

From: Hoffman, Tom
Sent: Monday, January 10, 2005 12:03 PM
To: 'warren@sierracampaign.org'
Cc: Zimny, Chris; Gentry, George
Subject: RE: Contact info
Thanks. I'll keep you posted on this.

Tom Hoffman
Staff Chief
Fire Prevention & Prefire Management
916-653-7472 Office
916-716-9658 Cell
916-653-8961 Fax
www.fire.ca.gov

-----Original Message-----

From: Warren Alford [mailto:warren@sierracampaign.org]
Sent: Monday, January 10, 2005 10:45 AM
To: Hoffman, Tom
Subject: Contact info

Hi Tom,

I met you at the BOF Resource Protection Committee meeting and mentioned our interest in helping with implementation/education of PRC 4291.

It would be good to get together sometime in the near future to discuss potential collaboration.

Stay in touch,

Regards,

Warren Alford, Fire and Fuels Policy Coordinator
Sierra Nevada Forest Protection Campaign
Work Phone: 209-795-2672 Cell: 209-404-2275
www.sierracampaign.org

"We have not inherited the world from our forefathers- we have borrowed it from our children."
Kashmiri proverb

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Zimny, Chris

From: Stephen Sayre [saferscapes@infostations.com]
Sent: Saturday, July 23, 2005 11:14 AM
To: Zimny, Chris
Subject: interpretation of SB 1369 amendment of PRC 4291

7-23-05

chris.zimny@fire.ca.gov

RE: SB 1369 amendment of PRC 4291

Dear Mr. Zimny,

Butte County CDF Fire Protection Bureau Captain David Hawks told me that you are the person accepting public comment upon CDF's interpretation of the SB 1369 amendment to PRC 4291, which increased the minimum defensible space clearance requirement around private homes from 30 feet to 100 feet.

I am a self-employed landscape maintenance contractor specializing in brush thinning and small tree pruning for the creation of defensible space around homes on the Paradise ridge, and a founding member of the Paradise Fire Safe Council.

The town of Paradise also recently increased its defensible space requirement from 30 to 100 feet; so I am familiar with the challenges involved in homeowner compliance with the new requirement, as I have been fortunate to have already found clients able to afford to have such labor-intensive work done over such a large area.

I have three primary concerns and recommendations for implementation of SB 1369, which I will here list and then elaborate upon further. 1) The strict spacing requirement between tree-crown canopy and between leave-specimens is excessive; 2) Creation of these larger shaded fuel breaks should not favor indiscriminant cutting of brush where retention of more smaller specimens would be more fire wise; & 3) the cost of some large projects could be considerably reduced if creation of Strategically Placed Area Treatments were allowed as an alternative in outer defense zones.

I have found that besides being dependent upon the financial resources of the landowner, the best prescription for wildfire fuel abatement is almost always site-specific. Though, in general increasing the defensible space requirement from 30 to 100 feet greatly increases structure safety, there should not be strict spacing

7/25/2005

requirements between either tree-crown canopy nor leave specimens.] 1-4

There are many scientific studies done showing that merely removal of dense ground fuels and separation of ladder fuels from a forest canopy is sufficient to reduce the heat and intensity of a wildfire enough to prevent it from traveling through most forest canopies, except under the most extreme conditions. Also, reduction of horizontal fuel continuity in most forest canopies, i.e. thinning out of the large trees comprising those canopies, is usually unwise since it tends to result in more sunlight penetration, which not only reduces ground-level humidity but also favors brushy re-growth.] 1-5

Thankfully, Paradise has a Tree Preservation Ordinance requiring permits for the felling of live trees 10 inches or larger in diameter, thus somewhat reducing the likelihood of large tree removal. However, in many cases, especially in the lower elevation chaparral, even saving all trees 10 inches in diameter or larger is not enough to preserve significant shade. I have found that in the chaparral of Paradise ridge the dominant canopy height is probably only about ten feet; and that canopy is comprised not only of the typical brush species of toyon, manzanita, ceanothus, poison oak, California bay, and live oaks, but also of the deciduous valley oak / blue oak hybrids and black oak stunted by competition and lack of sufficient water.] 1-6

Releasing those tiny oaks, now usually only 2 ½ to 4 inches in diameter, should eventually provide a much taller tree canopy than is currently found in most of the chaparral. Spacing leave-specimens of brush and tree crowns at least 10 feet apart, as the PRC 4291 language now requires, would, however, not allow for retention of most of those small trees (thus greatly increasing the time needed to grow forest from brush), and would in many cases almost completely eliminate significant shading. To retain even 20 percent canopy cover in chaparral (which in most cases, due to many years of complete wildfire suppression, is currently at about 200 percent) usually requires spacing the small leave trees (and some small-tree-sized brush specimens) an average of probably only about 6 feet apart. After ten to twenty years, as the leave trees grow and that 10-foot-tall canopy increases in height, more thinning will probably be needed for fire safety and continued release of the best specimens; but in the meantime the absence of long-accumulated dead wood should make such treated parcels much more fire safe than before treatment.] 1-7

Fortunately, it is still possible to limb-up (i.e. remove the lowest limbs from) even those small 3-inch-diameter trees to at least 6 feet (if the tallest specimens are selected for saving), without removing too much of the leaf mass of those individual trees. Thus, interpretation of the spacing required to reduce vertical fuel continuity is less of a concern than for the horizontal spacing requirements.] 1-8

It should probably also be mentioned here, though, that the minimum live-crown-height for fire safety (i.e. the vertical separation of fuels) depends upon the height and density of the fuels underneath that tree crown. Rather than prescribe 6 to 10] 1-9

feet clearance under limbs, when reducing fuel ladders is the objective, perhaps it would be better to recommend that the distance between the top of the ground fuel and the bottom of the tree canopy be made at least 3 times the height of the ground fuel. 1-9

Granted, removal of most small diameter fuel ladders is a good practice immediately adjacent to structures and adjacent to the occasional tall tree; but interpretation of SB 1369 should take into account the generally less tall canopy usually found in the lower elevation chaparral where many houses are now being located, and not require a strict distance between leave specimens and tree canopies. 1-10

Spacing of groups of leave-specimens can often be done at greater than 10-foot intervals, so as to provide some significant horizontal discontinuity between live fuels; but until leave trees have grown a lot, the prescription for wildfire safety in chaparral should be different than for higher elevation forest. 1-11
1-12

While on this subject, I would like to encourage CDF to warn homeowners that during maintenance of their defensible space, if systemic herbicides such as Roundup or Garlon are used to inhibit brushy regrowth, care should be taken not to spray such herbicides indiscriminantly under the remaining tree canopy. Trees often respond to pruning by sending up root sprouts, sometimes many feet from the parent tree's trunk, which if also sprayed will cause that herbicide to be transmitted to the parent tree, eventually killing it. Those root sprouts often have leaves much different in appearance from the leaves typical of the parent tree. 1-13

Safer alternatives for fuel break maintenance include repeated cutting of resprouted vegetation (easier to do if the original brush has been cut clear to the ground and large staubs have not been left), to temporarily pen goats to feed upon the brushy regrowth, and (under the right conditions with control lines in place) to do controlled broadcast burns. 1-14

I have also found that even in the generally dense chaparral there currently exist patches of more rocky ground and natural meadow where vegetation is sparse or comprised mostly of small grasses and forbs. Such low-fuel areas are a natural break in an otherwise fuel-rich area, and could be complemented by patch-thinning the brush, i.e. creation of Strategically Placed Area Treatments (SPLATs), in the outer defense zones. 1-15

Such SPLATs are non-linear networks or scattered patches of low-fuel areas created by the thinning and removal (or chipping) of the dense brush and removal of the accumulated dead wood. Models (such as those done by Finney) show that, except under catastrophic conditions where spotting is the primary means of fire spread, wildfire encountering such low-fuel spots will generally slow and reduce in intensity as such spots cause a temporary change in direction of the wildfire front.

This overall reduction in fire intensity results in a mosaic of wildfire effects over large areas, rather than the more complete devastation usually found following fire in chaparral communities, thus actually serving to allow a return to a more frequent wildfire interval there, especially during multiple-ignition events such as lightening storms which tend to stretch suppression resources too thin. A mosaic burn usually also leaves some live trees.

Though most private parcels are not large enough to allow the creation of a SPLAT, some larger parcel landowners would probably be more likely to do at least some brush thinning at the periphery of their defensible space if they didn't have to clear all the brush.

Again, this would require that SB 1369 and PRC 4291 be interpreted to allow a different fuel-break prescription. SPLATs are also effective within forested settings.

Though removal of cut vegetation further from homes would usually require some trail access, SPLATs avoid the necessity of building the wider roads usually needed for removal of lumber or for chipper access.

SPLATs would also allow more retention of the visual and auditory screens of natural vegetation usually desired by most homeowners.

I hope CDF will take my comments and recommendations under consideration as they formulate interpretation of SB 1369 and PRC 4291 fuel reduction prescriptions.

Enforcement of the much wider defensible space requirement will be difficult because it would be an economic hardship for many homeowners. My suggestions should decrease that financial burden while still allowing much greater fire-wise thinning than previously required.] 1-16

My suggestions, if incorporated into CDF's recommendations, should also result in less tree removal (and thus less brushy re-growth and better ground-level humidity retention) than would otherwise be likely to occur, thus resulting in overall better wildfire safety in the wildland-urban interface.

I fear that without defensible space prescription flexibility (as I have here outlined the need for), strict interpretation of current PRC 4291 wording will result in more logging of large trees in the WUI, as homeowners try to find ways to comply with the law without emptying their pocketbooks. As I explained, more loss of the larger trees would generally increase, rather than decrease, wildfire risk.] 1-17

Please respond to this email to let me know it has been received and will be considered by those charged with interpreting SB 1369 and PRC 4291, and let me know of any further opportunities for comment upon this matter.

Sincerely,

Stephen Sayre

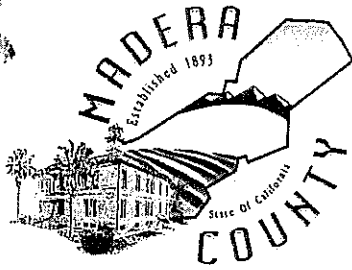
saferscapes@infostations.com

6802 Rexdale Lane

Paradise, CA 95969

530-876-1391

7/25/2005



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
209 W. YOSEMITE AVE. / MADERA, CALIFORNIA 93637-3534
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

GARY GILBERT
SUPERVISOR, DISTRICT 5

BONNIE HOLIDAY, Chief Clerk of the Board

January 3, 2005

State Board of Forestry and Fire Protection
Resource Protection Committee
Mark Bosetti
PO Box 944246
Sacramento, California 94244-2460

Dear Mr. Bosetti:

Subject: Senate Bill (SB) 1369; Changes to Public Resources Code (PRC) 4291 and Government Code (GC) 51182

As you discuss this very important legislation and make the distinction between PRC 4291 and GC 51182, I would also request that you consider modifications to PRC 4290 and make the minimum clearance requirements internally consistent i.e. PRC 4290= 30' and PRC 4291= 100'. L2-1

*Experience has shown that 30' is inadequate, and in some cases 100' may be questionable depending upon the slope and fuel loading

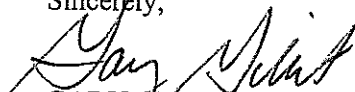
I have attached two (2) additional documents for your consideration, (1) "a property owner's guide to reducing the wildfire threat" on page 3 of this handout, there is a chart that graphically displays the percent of homes destroyed by wildfire with wooden roofs versus fire resistant roofs and the extent of removal of flammable vegetation (defensible space/clearance).

The document also goes on to discuss methods, to develop defensible space – defensible space is not a "bare-earth" policy; but methods to achieve - remove fuel, reduce fuel or replace flammable plants often referred to as the 3-R's of developing defensible space. L2-2

The second (2nd) document is the California State Association of Counties (CSAC) position that I presented to the Governor's Blue Ribbon Fire Commission on February 5, 2004 in Riverside California. In addition, I am also providing you a document that has been adopted by CSAC and the League of California Cities entitled "Collaborative Planning to decrease impacts on Public health and safety resulting from wildland urban interface fires".

In this document, CSAC and the League of California Cities request that the State and Federal Government to cooperate, collaborate, and communicate in the development of better land use policies and wildland fuel management programs to resolve issues associated with wildland urban interface fires. The Board of Forestry's Resource Protection Committee is taking that first step with PRC 4291 and by reconsidering the minimum clearances within PRC 4290; you will make California a little more fire safe.

Sincerely,


GARY GILBERT
Supervisor, District 5

Enclosures

cc: CSAC Karen Keene
RCRC Vern Moss
MCFD Gary Marshall
Strategic Local Government Services

A Property Owner's Guide to Reducing the Wildfire Threat



**Produced as a Public Service by the University of California, Cooperative Extension, Amador County
Principal Author: Delbert S. Farnham, UCCE County Director/Farm Advisor, Amador County**

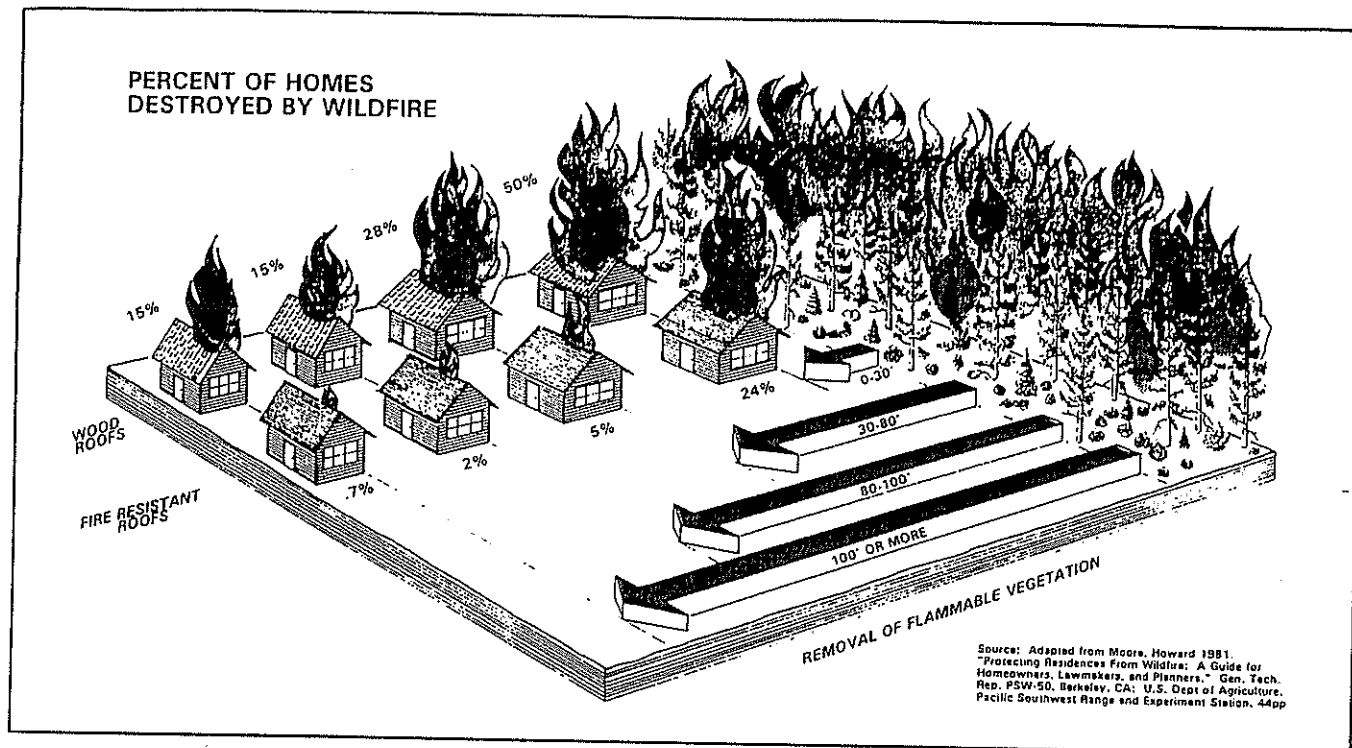


Fig. 1 - Percent of Homes Destroyed by Wildfire by Roof Type and Extent of Removal of Flammable Vegetation

Slopes Require Greater Clearance

The width of defensible space is greater on steep slopes. The information in Table 1, **DEFENSIBLE SPACE DISTANCES**, shows how buildings located on steep slopes or at the tops of steep slopes require management of flammable vegetation up to 400 feet downslope and 200 feet to the sides and upslope.

Homeowners can determine the percent slope of their property by using the following materials and method: a) a straight five foot (60 inches) long board; b) carpenter's level; and c) a steel tape.

Place the board with one end on the ground upslope. Level the board with the carpenter's level. Measure vertical distance to ground with steel tape. Divide distance to ground in inches by 60 and multiply by 100 to determine percent

TABLE 2. GUIDELINES FOR DETERMINING SLOPE FOR ESTABLISHING DEFENSIBLE SPACE DISTANCES AND TREE CANOPY SPACING	
PERCENT SLOPE	INCHES ON STEEL TAPE FROM GROUND TO LEVELLED 5' BOARD
LEVEL TO 12% SLOPE	Less than 7.2 inches
21% TO 40%	14 inches to 24 inches
41% TO 60%	Greater than 24.6 inches

*Adapted from "Wildland Home Fire Risk Meter", Simmerman and Fischer (1990)

slope. You can also use Table 2 to determine your slope category.

Properly Space Your Trees

Tree spacing is critical. The distance between trees should increase with slope steepness. The clear distance between branches (canopy) of adjacent trees that are left in the defensible space increases from a minimum of 10 feet on level ground to 30 feet on very steep ground (Table 3).

TABLE 3	
RECOMMENDED DISTANCES BETWEEN TREE CANOPIES BY PERCENT SLOPE*	RECOMMENDED DISTANCES BETWEEN TREE CANOPIES
0 TO 20%	10 FEET
21% TO 40%	20 FEET
41% TO 60%	30 FEET

*Adapted from "Wildland Home Fire Risk Meter", Simmerman and Fischer (1990)

Crowded stands of trees need to be thinned on the entire parcel of land to prevent wildfire from 'crowning' through the tops of the trees. Crown fires are likely to kill all or most of the trees in the stand. Thinning of trees and pruning of lower branches is critical within your defensible space and needs to be implemented on all of your property to help the

(Table 2) and an occasional young shrub. Remove branches within 10 feet of the ground from all trees left on the site. This helps prevent fire from climbing a fuel ladder from grass, pine needles, and leaves on the ground up into the tops of the trees.

2. Reduce fuel. Prune shrubs and trees left within the defensible space around structures. Remove rocks that will cause sparks when hit by a lawn mower. Clean up pine needles, mow grasses and other small plants while they are green at a time when fire danger is not high. Your mower must have a spark arrester and you should have water and a fire extinguisher available just in case your mower strikes a rock and ignites dry materials.

3. Replace native fire hazardous plants with fire-resistant landscaping. Many introduced plants such as junipers are extremely fire hazardous. Well-maintained and irrigated turf, flower beds, and groundcovers will offer less fuel for a wildfire. A list of fire-resistant plants can be obtained from your farm advisor's office or local CDF office. Don't overplant or allow dead landscape materials to accumulate.

Which Trees Do You Save?

Some of our native trees have thin bark and are more likely to die or die to the ground and sprout from the tree stump after a wildfire. You may wish to select and save the more fire-resistant thick-barked trees and thin out more of the sensitive, thin-barked trees:

Bark Sensitive To Fire

Common Name	Botanical Name
Canyon Live Oak	<i>Quercus chrysolepis</i>
Interior Live Oak	<i>Quercus wislizeni</i>
California Black Walnut	<i>Juglans hindsii</i>
Madrone	<i>Arbutus menziesii</i>
White Fir	<i>Abies concolor</i>
Red Fir	<i>Abies magnifica</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>

Bark Less Sensitive to Fire

Common Name	Botanical Name
Blue Oak	<i>Quercus douglasii</i>
Valley Oak	<i>Quercus lobata</i>
Black Oak	<i>Quercus kelloggii</i>
Ponderosa Pine	<i>Pinus ponderosa</i>
Sugar Pine	<i>Pinus lambertiana</i>
Jeffrey Pine	<i>Pinus jeffreyi</i>
Foothill Pine	<i>Pinus sabiniana</i>
Incense Cedar	<i>Calocedrus decurrens</i>

Disposal of Fuel

1. Shrubs and branches should be stacked in small piles and allowed to dry for a period of at least three weeks. Contact your local fire department or CDF for an update on current burning regulations. They may ask that you call on your burn day so the fire trucks don't get called out by a concerned neighbor. The county air pollution control district (APCD) sets burn days and regulates burning during the non-fire season. Cut up larger material and use as firewood. Alternatives to burning include grinding material into chips and spreading chips as a moisture conservation and weed control mulch. Keep the mulch at least 30 feet away from structures.

2. Trees. Conifer trees with the exception of Foothill pine are commercial species. Harvest is regulated by the California Department of Forestry and Fire Protection. Discuss your tree thinning plans with CDF and obtain necessary permits before you start the operation. The harvested trees often have sufficient commercial value to offset many of the costs associated with developing defensible space around your buildings. Bark beetles will breed in pine logs if they are left lying on the ground. Peel the bark off the logs if they are not sold and moved off the property.

Defensible Space Requires Maintenance

Yearly maintenance of the defensible space is required. Herbicides may be needed to keep stumps of oaks and other shrubs from resprouting. New seedlings will develop after the land is cleared. Herbicides or hand pulling will help with their control. Goats sheep and horses can help control the regrowth of shrubs and trees if suitable fencing is developed. Soil erosion may become serious if the animals are held year round on small parcels. Predators such as dogs, coyotes and mountain lions may make sheep and goats impractical in some foothill communities.

Plan Ahead to Accommodate Firefighters

- Have you notified the local firefighting agency of your presence? Firefighters often don't know the location of residences in the forest.
- Emergency water supply. Maintain an emergency water supply that meets fire department standards through one of the following:
 - A community water/hydrant system.*
 - A cooperative emergency storage tank with neighbors.*
 - A minimum storage supply of 2,500 gallons on your property.*
- Clearly mark all emergency water sources.
- Create easy firefighter access to your closest emergency water source.
- If your water comes from a well, consider an emergency generator to operate the pump during a power failure.

**Presented to
Governor's Blue Ribbon Fire Commission
February 5, 2004
Riverside, CA**

Mr. Chairman, elected officials, distinguished members of the Governor's Blue Ribbon Fire Commission; I am Gary Gilbert, a Madera County Supervisor and a member of the California State Association of Counties. On behalf of Paul Stein, President of CSAC and Supervisors in California's 58 counties, we applaud the efforts of all local officials, the fire service and emergency response personnel in their handling of the recent catastrophic fires that occurred in San Diego, Riverside, San Bernardino, Los Angeles and Ventura Counties. Like so many disasters of this magnitude, CSAC hopes that lessons are learned and steps are taken to ensure that similar types of disasters are avoided in the future.

It is evident that wildland/urban interface fire protection and prevention is not a new problem, nor are the recommended solutions newly conceived. Many of the reports and recommendations generated in the aftermath of prior wildfires that destroyed homes are very similar in content and substance. For example, documents created in the early 1960's, 1970's, 1980's and 1990's all contain the same goals, i.e., **"defensible space must be provided around structures," and "wildland fuels must be actively managed near structures," and "appropriate land use, zoning, parcel size and construction methods for structures situated in high hazard areas."**

The problem is not one of finding new solutions to an old problem but of implementing known solutions. Deferred decision making is as much a problem as the fires themselves. If history is to serve us in the resolution of the wildland/urban interface fire problem, CSAC respectfully request that this commission take action on these known issues now. To do anything less is to guarantee another review in the aftermath of future catastrophic fires.

The wildland/urban interface continues to be a escalating major fire problem for the 21st century. People continue to move from urban areas to rural areas. These new wildland/urban immigrants give little thought to the wildfire hazard and bring with them expectations for urban emergency services.

For many, a home in the rural wildlands is a dream come true. The natural setting of the wildland affords an opportunity for an attractive lifestyle with homes being built in a highly flammable environment without regard to life and property protection. These homes, placed in rural wildland settings where fire is a natural part of the ecology, are in peril. Homeowners can find their dream home turning into a nightmare when wildland fires occur.

Reports such as the National Commission on Wildfire Disasters Report (1993) and Fire In Rural America (1992) document the continued expansion from urban areas to rural areas. There is limited data to quantify the extent of the current or projected growth in the wildland/urban interface; however it is clear from recent episodes that losses will continue to increase in the future.

A quick review of past fires throughout the Western United States shows all too many common denominators contributing to major loss of homes and property, loss of lives, injuries, destruction of natural resources and adverse effect on wildlife habitat and water resources. Prior to the Cedar, Grand Prix, and Old Fires, the East Bay Hills Fire of October 1991, set in the hillside residential area above the city of Oakland, was one of the most dramatic wildland fire disasters... reminding us that anywhere in California, at any time and from any direction, a wildland fire can move swiftly through a neighborhood, destroying the homes and lives of many. Though located in what many consider primarily a municipal setting, this fast moving fire was responsible for the deaths of 25 persons and 150 injuries. It burned more than 1,600 acres and destroyed 3,354 homes (790 homes were destroyed in the first hour alone). One home was burned every 11 seconds during the first 10 hours of the East Bay Hills Fire! This same area experienced the loss of 37 homes to wildland fire in 1970, and 600 homes in 1923.

A small sampling of fires, since 1970, show the loss from wildland fires across the United States is staggering:

October, 1970. Romero Canyon Fire, Santa Barbara County, CA. 16,000 acres burned, 100 homes and structures destroyed. Four persons killed, one serious burn injury.

May, 1980. Mack Lake Fire, Colorado. 25,000 acres burned, 44 homes and structures destroyed. One person killed.

July, 1989. Black Tiger Fire, Boulder, Colorado. 2,100 acres burned, 44 homes and structures destroyed.

May, 1990. Stephan Bridge Road Fire, Michigan. 5,916 acres burned, 191 homes and structures destroyed. One person injured.

June 1990. Paint Fire, Santa Barbara County, California. 4,900 acres burned, 471 homes and structures destroyed. One person killed.

August, 1990. Awbry Hall Fire, Bend Oregon. 3,350 acres burned, 22 homes or structures destroyed.

October 1993. Southern California Fires, 192,000 acres, 1,000 structures. One of these fires occurred in Riverside County and 25,100 acres and 30 structures were lost. **Notable about this fire was that the U.S. Fish and Wildlife Service blocked the fire department's ordinance for defensible space in favor of habitat for the Kangaroo Rat.**

The common denominators of these fires include poor access for emergency vehicles; hot, dry, windy weather conditions; sloping topography, a buildup of wildland trees, shrubs and other vegetation; lack of defensible space around homes, inadequate and narrow roads hampering access by emergency vehicles and evacuation by homeowners; and use of combustible construction materials. While there is little

humans can do to control natural occurring fires from such sources as lightning, *many of these common denominators could have been eliminated through subdivision or individual home construction planning and defensible space activities around homes and structures.* Many of the losses which have occurred from wildland fires could have been minimized or avoided had relatively simple steps and precautions been taken.

Fire protection problems in the wildland/urban interface are very complex. Complicated barriers must be overcome to address them. These barriers include legal mandates, zoning regulations, fire and building codes, basic fire protection infrastructure, insurance/fire protection grading and rating systems, and environment concerns. Political, social, and psychological factors further complicate the problems. There is no one simple solution. Leadership and cooperation are essential.

Along with the adopted CSAC policy statement we are also providing the commission two additional documents:

One is an article included in our CSAC January/February 2004 publication that focuses on natural resources. One article focuses on fire, fuels, and land use planning. This article contains four recommendations for your consideration if we are going to develop successful fire mitigation programs in the wildland urban interface and the second is a publication produced as a public service by the University of California, Cooperative Extension and I would like to draw your attention to the charts on page 2 and 3 referencing the needed defensible space and required management of flammable vegetation.

In closing:

- *Defensible space must be provided in the high fire hazard areas, a minimum 100 feet, (based upon fuel type and slope);*
- *Wildland fuels must be actively managed, and*
- *Appropriate land use and construction standards must be provided for in the high fire hazard areas.*

That concludes my remarks, and on behalf of CSAC I am available for questions.

Draft

Updated December 3, 2003

Accepted and Approved by CSAC Board of Directors November 2003 Collaborative Planning to Decrease Impacts on Public Health and Safety Resulting from Wildland Urban Interface Fires

Objective

Catastrophic wildfires are one of the most significant threats to communities, forests, and wildlands in California today. To address this threat, we propose the formation of a partnership between the League of California Cities (League), California State Association of Counties (CSAC), the State and federal government to cooperate, collaborate, and communicate in the development of better land use policies and wildland fuel management programs to resolve issues associated with wildland urban interface fires.

The Problem

Californians are all too familiar with the serious impacts and devastating effects of fire in the forest, range land, water shed and open space in and near urban settings. The recent catastrophic fires that burned throughout Southern California in October 2003 provide a sobering look at the impacts fires have on public health and safety--- jobs are lost, businesses and schools are impacted, infrastructure and environmental damages occur, and in the wildland intermix/interface (suburbs to the wildland) areas, lives, property and natural resources are threatened and often destroyed. These impacts leave citizens and government agencies faced with growing costs and losses from these intermix/interface fires. Four key factors contribute to this major problem:

1. **Population Growth.** California's population growth continues to migrate into highly flammable (wildland interface or intermix) and high fire hazard zones. Homes are built on fuel-loaded (trees and vegetation) slopes with minimum defensible space against wild fires. Local government must ensure that growth is prudent, responsible and limits risk, to an acceptable level, and that development meets Fire Safe Standards for both residents and the fire service.
2. **Increased Fuels.** Continued wildland fuel loading, higher tree density, and dead and dying trees due to insects and disease, make fuel issues massive in scale. According to fire professionals and land managers, about 4 million acres of private land and 39 million acres of federal land are at risk and have the potential to burn catastrophically.

3. **Vegetation Management.** To comply with environmental and regulatory agency requirements, fire professionals and land managers have increasing difficulty in conducting vegetation, watershed and forest management activities and programs. A large aspect of this is the decreased use of mechanical methods and prescribed fires for the removal of wildland fuels. The fire service and local, state and federal agencies must work together on responsible and effective vegetation management plans.
4. **Increased Costs Associated with Fire Suppression.** An increasing frequency of large damaging catastrophic wildland fires and ever-increasing suppression costs and damages caused by these fires can be significantly reduced by: a) local government policies, zoning, and land use controls consistent with building construction methods; and b) with an aggressive vegetation fuels management programs in these high-risk wildland fire areas.

The Solution

The League of California Cities and the California State Association of Counties propose this Policy Statement as a call to action for coordination, collaboration and communication between fire chiefs, planners, housing development specialists, building officials and environmental protection regulators to improve pre-fire mitigation, prevention and response to the forest, range land, watershed, wildland urban interface/intermix and open space within the urban communities in the State of California. The League and CSAC will involve representatives from state and federal agencies and the Legislature in the development of these actions.

Definitions

Catastrophic Fire—A wildland or wildland urban interface fire with a fast moving front, extending over a large area (300+ acres) and/or highly destructive to lives, property or natural resources.

Defensible Space—That area which lies between a house and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat, and in which firefighters can safely establish themselves to defend a structure.

Fuel—Combustible structures and wildland vegetative materials. Includes dead plants, parts of living plants, duff, and other accumulations of flammable vegetation.

Fuels Management—The practice of planning and executive manipulation or reduction of fuels to obtain conditions which permit protection forces to meet fire suppression objectives.

Highly Flammable Fuels—Zones designated by CDF (or other fire agencies) as having specific characteristics—e.g., fuel loading, slope and topography, fire weather, and other relevant factors—that would allow a fire to become uncontrollable.

Natural Resources—A necessary or beneficial material source—such as timber, minerals, water, and grazing area—occurring in nature that has value in human commerce.

Pre-Fire Mitigation—Prior to wildland fire ignition a systematic application of risk assessment, fire safety, fire prevention, and fire hazard reduction techniques to reduce wildland fires, damages and cost of suppression.

Prescribed Fire—A fire with a “prescription,” burning within a range of predetermined conditions (such as fuel moisture content, weather conditions, etc.) that will keep it controllable, at low intensity, and able to achieve its stated objectives.

Slope—A piece of ground that is not flat or level, it may rise or fall in percent; where one percent of slope means a rise or fall of one foot of elevation within a distance of 100 feet, thus 45% would equal 45 feet of rise in 100 feet.

Risk—The likelihood of wildfire ignition normally the result or activities of people.

Wildland—An area in which development is essentially non-existent, except for power lines, roads, railroads, and similar transportation facilities. Structures, if any, are widely scattered and are primarily for recreational purposes. Includes large cattle ranches and forests managed for timber production.

Wildland Interface—The geographical meeting point of two diverse systems, wildland and structures. At this interface, structures and vegetation are sufficiently close that a wildland fire could spread to structures or a structure fire could ignite vegetation.

Wildland Intermix—Interspersing of developed land with wildland, where there are no easily discernible boundaries between the two systems. Poses more problems in wildland fire management that *interface*.

L 3
Zimny, Chris

From: Foote, Ethan
Sent: Wednesday, August 17, 2005 11:44 PM
To: Zimny, Chris
Cc: Carlson, Alan; Richardson, Tony; Hoffman, Tom; Mitchell, Wayne
Subject: RE: Defensible space pictures

Chris,

Thanks for sending this out. I could find several post-fire aerial photos of homes having survived wildfire exposure with good defensible space. If that is of use, let me know and when you need them by (I am tied up until early next week).



interface save
Concow00 foote ...

e.g.

Also, FYI - I noticed a couple of discrepancies between the Guideline terms and codified definitions for **building**, **structure** and **defensible space**. If you'd like word change suggestions or further discussion let me know. Details below.

Ethan Foote, Battalion Chief
Fire Planning and Engineering
CDF FIRE -Northern California Regions
707-576-2996 (o / vm / p)
alpha page, e-mail to:
7075732896@alphapage.mylmail.com

The term **Defensible Space** is already codified in 14 CCR Sub-Chapter 2, Section 1271 with "... The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures."

It will be confusing if in the very next Sub-Chapter, Section 1299 defines the same term, **Defensible Space**, as applying only to only fuel modification (a.k.a. "...where vegetation is managed and maintained ..."). Why not stick with the same Section 1271 definition of Defensible Space in Section 1299, and then go into "...for the purposes of these guidelines fuel modification measures means where vegetation is managed and maintained so that it reduces the spread and intensity of encroaching wildfires or escaping structure fires."

The legal H&SC term "**structure**" (which includes bridges, towers, highway guard rails, etc.) is not interchangeable with the term "**building**" (which includes only structures that are used for support or shelter of a use or occupancy). There is a big difference, but the Guidelines apply the H&SC definition of building (see 18908 below) to either a building or a structure which is inconsistent with H&SC 18908.

PRC 4290 appropriately limits application of those regulations to buildings only, not structures. The much older PRC 4291 does apply to both buildings and structures, which opens the Department up to grossly inconsistent enforcement. PRC 4291 is typically enforced just for buildings and these Guidelines would be a great place to give guidance for consistent enforcement by sticking to the legal H&SC definition of "building" for 4291 implementation.

PRC 4290: (a) "The board shall adopt regulations... . These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction."

Guideline Definitions: "Building or structure: A building and appendages of any kind composed of parts joined together in some definite manner used for support or shelter of any use or occupancy (see Health and Safety Code section 18908)."

18908. (a) "**Building**" means any structure used for support or shelter of any use or occupancy. "**Structure**" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in

2) UNIFORM OF PLANT SPACING GUIDE
- PRC 4594 (B) TO BE ADDED

some definite manner, except any mobilehome as defined in Section 18008, manufactured home, as defined in Section 18007, special purpose commercial coach, as defined in Section 18012.5, and recreational vehicle, as defined in Section 18010.

(b) "Building" includes a structure wherein things may be grown, made, produced, kept, handled, stored, or disposed of.

(c) All appendages, accessories, apparatus, appliances, and equipment installed as a part of building or structure shall be deemed to be a part thereof.

(d) "Building" does not include machinery, equipment, or appliances installed for manufacture or process purposes only, any construction installations which are not a part of a building, or any tunnel, mine shaft, highway, or bridge

-----Original Message-----

From: Zimny, Chris

Sent: Wednesday, August 17, 2005 10:38 AM

To: Fire Plan User Group

Subject: Defensible space pictures

Hi everyone: The Board of Forestry and Fire Protection is creating a regulation to guide the implementation of the new defensible space clearing requirements in accordance PRC 4291 (b). Attached is the draft regulation and "guideline" that will be used, in conjunction with a wider CDF educational program, to communicate clearing requirements. I need your help in two areas:

1) Does anyone have electronic picture of completed defensible space projects around homes that they could forward to me for use in the guideline and other subsequent educational documents. I'm particularly looking of mixed conifer forest, oak woodland and southern ca/south coast chaparral settings. Approximate location and photo credits (if necessary) would be helpful.

2) Any feedback on the content of the attached draft regulation and guideline would be appreciated. The BOF is likely to send this out for public notice following the 9/14/ 05 Board meeting.

Thanks for any pictures and comments.-Chris Z.

Christopher Zimny

Board of Forestry Regulation and Policy Coordinator

California Department of Forestry and Fire Protection

1416 9th Street

P.O. Box 944246

Sacramento, CA 94244-2460

(916) 653-9418

Fax (916) 653-0989

chris.zimny@fire.ca.gov << File: 4291 8_16_05 .doc >>

L 4

Zimny, Chris

From: Hoffman, Tom
Sent: Tuesday, August 23, 2005 2:43 PM
To: Zimny, Chris; Stanley, Mark; Carlson, Alan; German, Larry; Mitchell, Wayne
Subject: FW: FW: Draft Regs for Defensible Space

FYI

-----Original Message-----

From: Walter_Herzog@ca.blm.gov [mailto:Walter_Herzog@ca.blm.gov]
Sent: Tuesday, August 23, 2005 2:15 PM
To: Hoffman, Tom
Cc: Miriam_Morrill@ca.blm.gov
Subject: Re: FW: Draft Regs for Defensible Space

Hi Tom,

I think the guidelines are fine. I just hope that whether the rule is published in CCR 1299 or 4291, it will all consistently mention that you need 100' clearance or to property lines (whichever is closer).]

L 4-1

I'm not concerned about CDF's or other land managers ability to interpret the 100' distance rule, but I am concerned about county building inspectors, insurance companies and private homeowners. Currently I am seeing the new rules interpreted as you need 100' clearance. They interpret the rules as black and white. The general rules don't say 'or to your property line'. If those words were added, I think it would help alleviate putting the burden on a adjacent landowner who does not have a structure or is managing a landscape (i.e brushfields, forests, grass lands), not parks or defensible space, etc.

I remember us talking about how difficult it will be to explain or interpret to public and private entities what and how much vegetation to cut. Your guidelines cover nearly all scenarios.]

I would rather state these issues now, before they are again passed as rules and we all have to live with them.]

4-2

Walter Herzog
Fire Management Officer
BLM - Redding Field Office
ph: 530-224-2124

"Hoffman, Tom"
<Tom.Hoffman@fire
.ca.gov>

08/23/2005 12:13
PM

<Walter_Herzog@ca.blm.gov> To

cc

Subject
FW: Draft Regs for Defensible Space

Walter:

Miriam forwarded your comments back to me. Other than the property line issue, were you able to understand the guidelines?

What is your opinion of the ability of a field-going prevention person to understand and perform compliance inspections?

What about the ability of an ordinary citizen to be able to understand?

We're getting very close to beginning work on an education/outreach campaign to explain all this. How difficult do you think that task will be?

Tom Hoffman
CDF
Staff Chief Fire Prevention
916-653-7472

-----Original Message-----

From: Miriam_Morrill@ca.blm.gov [mailto:Miriam_Morrill@ca.blm.gov]
Sent: Tuesday, August 23, 2005 11:59 AM
To: Hoffman, Tom
Subject: Fw: Draft Regs for Defensible Space

comments, if you're interested

----- Forwarded by Miriam Morrill/CASO/CA/BLM/DOI on 08/23/2005 11:58 AM

To: Walter
Herzog/CASO/CA/BLM/DOI
08/23/2005 11:34 AM
Miriam Morrill/CASO/CA/BLM/DOI@BLM
Subject: Re: Draft Regs for Defensible Space
(Document link: Miriam Morrill)

Hi Mirriam,
Thanks for forwarding the draft regs. After reviewing them I still
find
the wording misleading:

In CCR 1299, It does not talk about the property line in the reduced fuels zone.

In the 4291 General Guidelines under a definition of reduced fuels zone, it does mention
(or to the property line, whichever is nearer to the structure).

I think, to make the rule very clear, the same language should be stated in
CCR 1299. People may only refer to 1299 and not look at the detailed
definition in another place.

I got another call this week from a landowner who is building his house next to BLM lands
and 'expects' me to clear BLM vegetation or allow him to
do it (within a ACEC area). This is in order to meet 100' rules. I
told
him to build 100' away and he said he wasn't going to pay for moving the building pad.

Walter Herzog
Fire Management Officer
BLM - Redding Field Office
ph: 530-224-2124

L4-3

Miriam

Morri11/CASO/CA/B

LM/DOI

To

Charles

08/22/2005 03:03

Robbins/CASO/CA/BLM/DOI@BLM,

PM

Clayton Howe/CASO/CA/BLM/DOI@BLM,

Deborah

Santiago/CASO/CA/BLM/DOI@BLM, Debra
Hein/CASO/CA/BLM/DOI@BLM, Jorge

Cervantes/CASO/CA/BLM/DOI@BLM, Karl
Todd/CASO/CA/BLM/DOI@BLM, Michael

Chiodini/CASO/CA/BLM/DOI@BLM,

Richard Server/CASO/CA/BLM/DOI@BLM,
Ruth Ellison/CASO/CA/BLM/DOI@BLM,

Suzanne Rocha/CASO/CA/BLM/DOI@BLM,
Tim Mullen/CASO/CA/BLM/DOI@BLM,

Kristi Andrews/CASO/CA/BLM/DOI@BLM

cc

Anthony

Escobar/CASO/CA/BLM/DOI@BLM,

Anthony

Sarzotti/CASO/CA/BLM/DOI@BLM, Chuck
Heard/MOJA/NPS@NPS, Donald

Washington/CASO/CA/BLM/DOI@BLM, Ed
Wehking/CASO/CA/BLM/DOI@BLM, Garth
Jeffers/CASO/CA/BLM/DOI@BLM, James
Brown/CASO/CA/BLM/DOI@BLM, James

Dawson/CASO/CA/BLM/DOI@BLM, Jerry

Wheeler/CASO/CA/BLM/DOI@BLM,

Kenneth Hood/CASO/CA/BLM/DOI@BLM,

Kevin Chambers/CASO/CA/BLM/DOI@BLM,
Kristy Lund/CASO/CA/BLM/DOI@BLM,

Mario Marquez/CASO/CA/BLM/DOI@BLM,
Mark Beterbide/CASO/CA/BLM/DOI@BLM,
Matthew

Kingsley/CASO/CA/BLM/DOI@BLM, Paul
Bannister/CASO/CA/BLM/DOI@BLM, Paul
Whitcome/CASO/CA/BLM/DOI@BLM,

Ronald Woychak/CASO/CA/BLM/DOI@BLM,
Timothy Jones/CASO/CA/BLM/DOI@BLM,
Walter Herzog/CASO/CA/BLM/DOI@BLM

Subject

Draft Regs for Defensible Space

Just FYI-

This is an early draft of the defensible space regulations being proposed by the Board of Forestry. It will go out for comment in the near future and should look very similar to this.

(See attached file: 4291 8_16_05 .doc)

L 5

Zimny, Chris

From: Ron Nehring [RonNehring@hotmail.com]
Sent: Thursday, August 25, 2005 1:30 PM
To: Zimny, Chris; Gentry, George
Subject: RE: updated version of 4291 (b) reg.

Nehring comments:

1. Can we/should we modify the proposed regulation to require a landowner to clear his/her property to the extent it is within 100 ft of a neighbor's structure?] S-1
2. Are there insurance-related implications for this regulation? For instance, does the power of the inspector to approve alternative practices create a liability issue?] S-2
3. If there are exceptions for ornamental specimens, as there should be, they do not appear to be contained within the text of the proposed regulation.] S-3
4. It would seem that there would be significant public benefit if there existed an appeals process that was not as fully dependent upon the courts, given that going to court no doubt creates significant additional costs both for the state and the property owner. Given the BOF's lack of staff to handle appeals, can some alternate dispute resolution system be devised within existing statutory and budgetary authority?] S-4

From: Zimny, Chris [mailto:Chris.Zimny@fire.ca.gov]
Sent: Wednesday, August 17, 2005 10:02 AM
To: Stanley, Mark; Carlson, Alan; Gentry, George; German, Larry; Hoffman, Tom; Sapsis, Dave
Cc: Ron Nehring
Subject: updated version of 4291 (b) reg.

Hi everyone: attached is the updated version (my edits in red text) based on the RPC input from the August 05 San Luis Obispo meeting. Shown below are the discussion points from the RPC meeting and my responses leading to the attached edits. I'm wide open to any other interpretations of the RPC comments or other necessary edits. Our goal is to have the RPC recommend this for 45 day notice at the September 14 meeting. Please have all comments to me by around 9/6 so I can include in the BOF premail. -thanks--cz

Also, Alan Carlson made a good observation in an email recently about the need to begin CDF staff training and equipment outfitting for those who will be conducting inspections.

Christopher Zimny
 Board of Forestry Regulation and Policy Coordinator
 California Department of Forestry and Fire Protection
 1416 9th Street
 P.O. Box 944246
 Sacramento, CA 94244-2460
 (916) 653-9418
 Fax (916) 653-0989
 chris.zimny@fire.ca.gov

1369 discussion and suggestion from BOF member and CDF personnel form the August 05 RPC meeting in San Luis Obispo:

8/31/2005

1) Issues about county ordinances superceding 4291 clearing requirements.

Response: 4291 statute and similar regulation under 14 CRR 1270 seem to indicate that clearing requirements that exceed those established by the State can be adopted by local agencies. No indication that locally adopted ordinances requiring lesser clearing standards superceded State requirements. Guideline changed to state that local ordinances may require tree removals permits.

2) Create plan for BOF /CDF educational process of the adopted regulation.

Response: Following adoption by BOF, Department will create an educational program. No change to regulation or guideline.

3) 4291 (a) requirements should be incorporated into this guidance document.

Response: Proposed regulation and guideline are aimed primarily at addressing 4291 (b) requirements. Some mention of necessity to comply with 4291 (a) is in the current regulation and guideline, as this is a criterion necessary for evaluating compliance with the proposed 4291 (b) performance goal (i.e. Compliance of the 4291 (b) regulation includes complying with 4291 (a)). Recommendation is to ensure the full suite of 4291 (a) and (b) requirements are included in the "educational documents" produced by the BOF or Department following adoption of the proposed regulation. No change to proposed regulation or guideline.

4) Incorporate clarification of clearing requirements limit of 100 feet or owner's property boundary.

Response: Added to proposed guideline.

5) Incorporate removal of vegetation for commercial purposes may require other permits.

Response: Added to proposed guideline.

6) Incorporate mowing before 10 am

Response: Proposed guideline already includes substantial precaution on use of mowers. No change to proposed regulation or guideline.

7) Is there a governing body or another way to arbitrate the non compliance issue, other than the existing penal/court process? Suggestion was to have the BOF serve as the arbitrator. Another option to better utilize the current system where the Unit Chief will likely resolve issues with the courts being the final destination for unresolved issue.

Response: Use of BOF as arbitrator is currently beyond the personnel capacity of the Board. No change to proposed regulation or guideline.

8) Some sample graphic are necessary, to make it intuitive. Need a hand out because this is complicated.

Response: Additional pictures of completed defensible space work for each vegetation type is being worked on and will be included in the Noticed proposed regulation. Also include in the "educational documents" produced by the BOF or Department following adoption of the

proposed regulation graphics and simplified interpretations of the proposed regulation and guidelines. One possible educational option is to update the typical "Living with Fire: Guideline for the Home Owner" documents produced and distributed by Fire safe Councils which are widely distributed.

9) Add more clarification in the definition of "Fuels" in the guideline about fuels within 30 feet. Current definition implies that non vegetation fuels (wood piles, fences) are not fuels relative to 4291 (a). Either remove all discussion of nonvegetation fuels or add together in descriptions contained in 30'-100' 4291 (b).

Response: I suggest we do not elaborate on 4291 (a) requirements in this proposed regulation. But we should ensure in the "educational documents" the meaning of fuels relative to 4291 (a) verses 4291 (b).

10) Related issue will be air pollution control/ pollution due to compliance requirements.

Response: Environmental impacts of the regulation are disclosed. Evaluation and mitigation included, if necessary, will be part of the BOF rulemaking process. My analysis at this time is recognition that this regulation will likely increase burning and associated pollution, but has to be done in compliance with existing ARCB, local pollution control districts, and CDF burn permitting laws and regulations. Also, we will add the local pollution control districts to the list of persons being informed of this proposed regulation to get their input on the level of this concern and any additional mitigation requirements. No change to current proposed regulation or guideline.

11) Unclear about what a structure or building is.

Response: Definition added by paraphrasing definition used in Health and Safety Code statues related to construction activities. The California Building Code might also have a better definition. 14 CCR 1270 (Fire Safe Standards for SRA) also has a definition.

Zimny, Chris

From: Ron Nehring [Ron@RonNehring.com]
Sent: Tuesday, September 06, 2005 9:08 PM
To: Zimny, Chris
Subject: RE: MSPCs in San Diego County

I can't be at the Tahoe meeting. However, we still need a reg that applies statewide and is simple and clear. I'm all for local control, but these complications are contributing to a situation where no property owner understands, or respects, their obligations.

From: Zimny, Chris [mailto:Chris.Zimny@fire.ca.gov]
Sent: Tuesday, September 06, 2005 8:46 PM
To: RonNehring@hotmail.com
Subject: Re: MSPCs in San Diego County

Hi Ron---It has been interesting. Still waiting for a formal letter from mscp program mgr. At county. He said all fuel haz clearing ordiances are rolled into mscp sub area agreements. We'll see.....lots of good 4291 topics in tahoe....cz

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Ron Nehring <RonNehring@hotmail.com>
To: Zimny, Chris <Chris.Zimny@fire.ca.gov>; Ron@RonNehring.com <Ron@RonNehring.com>
CC: Mitchell, Wayne <Wayne.Mitchell@fire.ca.gov>; Hoffman, Tom <Tom.Hoffman@fire.ca.gov>; Gentry, George <George.Gentry@fire.ca.gov>; bruce.reeves@doj.ca.gov <bruce.reeves@doj.ca.gov>
Sent: Tue Sep 06 20:37:06 2005
Subject: RE: MSPCs in San Diego County

Hi Chris,

Thanks for your work on this complex issue.

My concern is that from an end user standpoint the regulations for a homeowner need to be simple, clear, and concise. Rules that are overly complex or expect the individual homeowner to reconcile the conflicts between state and local statutes and regulations will lead to homeowners throwing their hands up while they lose all respect for the law. This undermines the purpose of the regulations in the first place. This was a major issue in my county following the Cedar Fire.

My view is we need to clearly spell out, in the reg itself, when it takes precedence, and the extent to which local rules can influence the property owner's obligations. This needs to be something that can be boiled down to two pages that a property owner can read, understand, and ultimately says, "Ok, I can do this."

Thanks,

9/7/2005

Ron

From: Zimny, Chris [<mailto:Chris.Zimny@fire.ca.gov>]
Sent: Friday, September 02, 2005 10:30 AM
To: Ron@RonNehring.com
Cc: Mitchell, Wayne; Hoffman, Tom; Gentry, George; bruce.reeves@doj.ca.gov
Subject: MSPCs in San Diego County

Hi Ron: After some preliminary research, I am finding some for information on the question about MSPCs and fire clearing state law. Attached is a MOU (apparently executed?) between fire agencies, USFWS, and CDFG, obtained from Supervisor Jacob's office. My paraphrasing of it is that fire clearing requirements need to be coordinated with MSCP requirements, but may not be superceded by MSPCs. It appears that every effort must be made to accommodate both requirements. I am in contact with the County's MSCP coordinator to confirm my simply summary of the MOU. Also, in speaking with City of San Diego Planners in charge of the City's MSPCs, he stated that conflicts between fire clearing requirements and MSPCs are possible, and the City wrote an EIR to address this and other brush clearing requirements and is proposing regulation to harmonize the two legal requirements.

I will follow up confirming the answer to your questions with County Staff. Also, are their specific individuals you could refer me to who have had this problem.

This still may not be an adequate answer to other statewide local ordinance circumstances.

Thanks--cz

Christopher Zimny
Board of Forestry Regulation and Policy Coordinator
California Department of Forestry and Fire Protection
1416 9th Street
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-9418
Fax (916) 653-0989
chris.zimny@fire.ca.gov

-----Original Message-----

From: Ron Nehring [<mailto:Ron@RonNehring.com>]

9/7/2005

Sent: Thursday, September 01, 2005 10:01 AM
To: Zimny, Chris
Subject: RE: updated version of 4291 (b) reg.

A MSCP is a county land use plan that restricts what can be done on property within the plan area.

I think it's important that the have the state reg take precedence over these local plans to the extent necessary to protect lives and property.

Please contact Geoff Patnoe in the office of San Diego Supervisor Dianne Jacob on this topic.

From: Zimny, Chris [<mailto:Chris.Zimny@fire.ca.gov>]
Sent: Wednesday, August 31, 2005 2:23 PM
To: Ron@RonNehring.com
Subject: RE: updated version of 4291 (b) reg.

Hi Ron--- My initial interpretation of this questions is generally local ordinances do not supercede state laws. However what is a MSCP. It sounds like some type of NCCP (Natural Community Conservation Plan), a federal compact used as type of mitigation for development projects. Such federal designation may be a different story. YG ask me if I could get more info from you on the MSCP. We also forwarded the question to Bruce Reeves, BOF attorney, --thanks--cz

Christopher Zimny

Board of Forestry Regulation and Policy Coordinator

California Department of Forestry and Fire Protection

1416 9th Street

P.O. Box 944246

Sacramento, CA 94244-2460

(916) 653-9418

Fax (916) 653-0989

chris.zimny@fire.ca.gov

-----Original Message-----

From: Ron Nehring [<mailto:Ron@RonNehring.com>]
Sent: Wednesday, August 31, 2005 1:24 PM
To: Zimny, Chris; Gentry, George

9/7/2005

Subject: RE: updated version of 4291 (b) reg.

Thanks Chris.

Can you give me an answer to the following question which was recently posed to me at a community planning group meeting:

How are homeowners living in a MSCP (multiple species conservation plan) area affected? Local ordinance prohibits the clearing, while the state reg requires it. Which prevails?

Ron

From: Zimny, Chris [<mailto:Chris.Zimny@fire.ca.gov>]
Sent: Wednesday, August 31, 2005 1:16 PM
To: Ron Nehring; Gentry, George
Subject: RE: updated version of 4291 (b) reg.

Hi Ron- In response to your questions:

#1: this suggestion is beyond the scope of 4291 requirements, but there seems to be a need to address this issue as part of a review of the adequacy of PRC 4290/Regulation sections of 14 CCR 1270 for fire protection. Right now I think it is beyond our authority of regulation related to 4291.

#2. YG may refer this to Board attorney for an opinion.

#3. The guidelines under 4a. state that one method to comply with 4291 and our new reg 1299 is to provide space between retained plants. Essentially, many individual specimens may be left if separated to reduce continuity of fuels. This is consistent with 4291 language that single specimens of ornamentals may be retained.

#4. As indicated by the Unit Chief at San Luis Obispo, the current de facto appeals process is a person "appealing" to the Unit Chief to resolve disputes between the CDF inspector and the home owner. I do not have any other alternative now.

--thanks--cz

9/7/2005

Christopher Zimny

Board of Forestry Regulation and Policy Coordinator

California Department of Forestry and Fire Protection

1416 9th Street

P.O. Box 944246

Sacramento, CA 94244-2460

(916) 653-9418

Fax (916) 653-0989

chris.zimny@fire.ca.gov

-----Original Message-----

From: Ron Nehring [mailto:RonNehring@hotmail.com]

Sent: Thursday, August 25, 2005 1:30 PM

To: Zimny, Chris; Gentry, George

Subject: RE: updated version of 4291 (b) reg.

Nehring comments:

1.
Can we/should we modify the proposed regulation to require a landowner to clear his/her property to the extent it is within 100 ft of a neighbor's structure?
2.
Are there insurance-related implications for this regulation? For instance, does the power of the inspector to approve alternative practices create a liability issue?
3.
If there are exceptions for ornamental specimens, as there should be, they do not appear to be contained within the text of the proposed regulation.
4.
It would seem that there would be significant public benefit if there existed an appeals process that was not as fully dependent upon the courts, given that going to court no doubt creates significant additional costs both for the state and the property owner. Given the BOF's lack of staff to handle appeals, can some alternate dispute resolution system be devised within existing statutory and budgetary authority?

9/7/2005

From: Zimny, Chris [mailto:Chris.Zimny@fire.ca.gov]
Sent: Wednesday, August 17, 2005 10:02 AM
To: Stanley, Mark; Carlson, Alan; Gentry, George; German, Larry; Hoffman, Tom; Sapsis, Dave
Cc: Ron Nehring
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Also, Alan Carlson made a good observation in an email recently about the need to begin CDF staff training and equipment outfitting for those who will be conducting inspections.

Christopher Zimny
Board of Forestry Regulation and Policy Coordinator
California Department of Forestry and Fire Protection
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Sacramento, CA 94244-2460
(916) 653-9418
Fax (916) 653-0989
chris.zimny@fire.ca.gov

1369 discussion and suggestion from BOF member and CDF personnel from the August 05 RPC meeting in San Luis Obispo:

2. 1) Issues about county ordinances superceding 4291 clearing requirements.

needs more

Response: 4291 statute and similar regulation under 14 CRR 1270 seem to indicate that clearing requirements that exceed those established by the State can be adopted by local agencies. No indication that locally adopted ordinances requiring lesser clearing standards superceded State requirements. Guideline changed to state that local ordinances may require tree removals permits.

- 2/1* 2) Create plan for BOF /CDF educational process of the adopted regulation.

9/7/2005

Response: Following adoption by BOF, Department will create an educational program. No change to regulation or guideline.

- ok 3) 4291 (a) requirements should be incorporated into this guidance document.

Response: Proposed regulation and guideline are aimed primarily at addressing 4291 (b) requirements. Some mention of necessity to comply with 4291 (a) is in the current regulation and guideline, as this is a criterion necessary for evaluating compliance with the proposed 4291 (b) performance goal (i.e. Compliance of the 4291 (b) regulation includes complying with 4291 (a)). Recommendation is to ensure the full suite of 4291 (a) and (b) requirements are included in the "educational documents" produced by the BOF or Department following adoption of the proposed regulation. No change to proposed regulation or guideline.

- ok 4) Incorporate clarification of clearing requirements limit of 100 feet or owner's property boundary.

Response: Added to proposed guideline.

- ok 5) Incorporate removal of vegetation for commercial purposes may require other permits.

Response: Added to proposed guideline.

- 6) Incorporate mowing before 10 am

Response: Proposed guideline already includes substantial precaution on use of mowers. No change to proposed regulation or guideline.

- no 7) Is there a governing body or another way to arbitrate the non compliance issue, other than the existing penal/court process? Suggestion was to have the BOF serve as the arbitrator. Another option to better utilize the current system where the Unit Chief will likely resolve issues with the courts being the final destination for unresolved issue.

Response: Use of BOF as arbitrator is currently beyond the personnel capacity of the Board. No change to proposed regulation or guideline.

- 8) Some sample graphic are necessary, to make it intuitive. Need a hand out because this is complicated.

Response: Additional pictures of completed defensible space work for each vegetation type is being worked on and will be included in the Noticed proposed regulation. Also include in the "educational documents" produced by the BOF or Department following adoption of the proposed regulation graphics and simplified interpretations of the proposed regulation

and guidelines. One possible educational option is to update the typical "Living with Fire: Guideline for the Home Owner" documents produced and distributed by Fire safe Councils which are widely distributed.

9) Add more clarification in the definition of "Fuels" in the guideline about fuels within 30 feet. Current definition implies that non vegetation fuels (wood piles, fences) are not fuels relative to 4291 (a). Either remove all discussion of nonvegetation fuels or add together in descriptions contained in 30'-100' 4291 (b).

Response: I suggest we do not elaborate on 4291 (a) requirements in this proposed regulation. But we should ensure in the "educational documents" the meaning of fuels relative to 4291 (a) verses 4291 (b).

10) Related issue will be air pollution control/ pollution due to compliance requirements.

Response: Environmental impacts of the regulation are disclosed. Evaluation and mitigation included, if necessary, will be part of the BOF rulemaking process. My analysis at this time is recognition that this regulation will likely increase burning and associated pollution, but has to be done in compliance with existing ARCB, local pollution control districts, and CDF burn permitting laws and regulations. Also, we will add the local pollution control districts to the list of persons being informed of this proposed regulation to get their input on the level of this concern and any additional mitigation requirements. No change to current proposed regulation or guideline.

Done

11) Unclear about what a structure or building is.

Response: Definition added by paraphrasing definition used in Health and Safety Code statues related to construction activities. The California Building Code might also have a better definition. 14 CCR 1270 (Fire Safe Standards for SRA) also has a definition.

L 6

Zimny, Chris

From: Hawks, David
Sent: Friday, September 09, 2005 3:22 PM
To: Zimny, Chris
Cc: Hawks, David
Subject: RE: Defensible space pictures

Chris

I'm sorry that I took me a while to get back to you on your request, but I have been out of the office. I have several comments related to the draft guidelines which I will detail below. Also, attached are some pictures of structures with good defensible space, some shown that have survived fire. The only photo which I'm not sure about the credits is Ranho Palos Verdes, all other were taken by CDF personnel - no need for credits.

Here are my comments related to the document.

1. Draft Guidelines, Page 4, Section A Purpose of Guidelines I don't understand what is meant by the last sentence in the 2nd paragraph. "Fuel reduction through vegetation management is the key fundamental to creating defensible space."
2. Draft Guidelines, Page 6 General Guidelines under #4, 4th paragraph where is states that "Grass generally should not exceed 4 inches in height. However, grass and other forbs, may be maintained less than 18 inches in height....." I presume, as we have traditionally applied, that the 4" grass height is applied within the 30 ft zone. Does the 18" limitation apply within the Reduced Fuel Zone (30 to 100')? I think that this paragraph should be further detailed/explained.
3. Page 9, Section 4b. Reduced Fuel Zone the 2nd bullet point states "remove lower limbs of trees ("prune") to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees)....." The diagram "Defensible Space retaining continuous trees" used as an example for 4b is not realistic for the context. The diagram represents an even aged stand of mature trees and not the typical uneven aged stand of mixed conifers common to California, especially the Sierra Nevada's. I would suggest a better graphic showing an uneven aged stand with small trees limbed 1/3 tree height or 6-15 ft whichever is greater, and mature trees limbed at least 15 feet of vertical separation. Furthermore, the vertical separation should be above the height of the underlying vegetation; i.e. if a grass understory of 3' the limbing height should be 9'. Most research and guides recommend pruning 3 times the height of the underlying vegetation.

I hope the above comments are helpful as the board and department work to come up with workable guidelines. Contact me if I can provide any other assistance.

Take care,
 David Hawks
 CDF/Butte County Fire
 (530) 538-7111

-----Original Message-----

From: Zimny, Chris
Sent: Wednesday, August 17, 2005 10:38 AM
To: Fire Plan User Group
Subject: Defensible space pictures

Hi everyone: The Board of Forestry and Fire Protection is creating a regulation to guide the implementation of the new defensible space clearing requirements in accordance PRC 4291 (b). Attached is the draft regulation and "guideline" that will be used, in conjunction with a wider CDF educational program, to communicate clearing requirements. I need your help in two areas:

9/12/2005

- 1) Does anyone have electronic picture of completed defensible space projects around homes that they could forward to me for use in the guideline and other subsequent educational documents. I'm particularly looking of mixed conifer forest, oak woodland and southern ca/south coast chaparral settings. Approximate location and photo credits (if necessary) would be helpful.
- 2) Any feedback on the content of the attached draft regulation and guideline would be appreciated. The BOF is likely to send this out for public notice following the 9/14/ 05 Board meeting.

Thanks for any pictures and comments.—Chris Z.

Christopher Zimny
Board of Forestry Regulation and Policy Coordinator
California Department of Forestry and Fire Protection
1416 9th Street
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-9418
Fax (916) 653-0989
chris.zimny@fire.ca.gov

L 7

From: Jerry Hurley [jerryhurley@psln.com]
Sent: Thursday, September 29, 2005 12:56 PM
To: Zimny, Chris

Subject: Re: 100 ft Def Space Regs

Chris, I think the first part of the Figure 1 A graphic is a better example of a multi layer stand then the one in the guidelines.

Then I think you could consider extracting the portions of the different thinnings, moderate, heavy & free as examples of performance based outcomes.

I think those would also help parallel the pictures you have.

Jerry

----- Original Message -----

From: Zimny, Chris

To: Jerry Hurley

Sent: Thursday, September 29, 2005 10:12 AM

Subject: RE: 100 ft Def Space Regs

Hi Jerry --received your input and document. Briefly reviewed the graphics in the document. Not exactly sure which one is best suited to depict cleaned under story and surface fuels while retaining all doms and co doms.--thanks--cz

Christopher Zimny
 Board of Forestry Regulation and Policy Coordinator
 California Department of Forestry and Fire Protection
 1416 9th Street
 P.O. Box 944246
 Sacramento, CA 94244-2460
 (916) 653-9418
 Fax (916) 653-0989
 chris.zimny@fire.ca.gov

-----Original Message-----

From: Jerry Hurley [mailto:jerryhurley@psln.com]

Sent: Thursday, September 29, 2005 8:05 AM

To: Zimny, Chris; board.public.comments@fire.ca.gov

Cc: Hawks, David; Mike De Lasaux; John Sheehan; Jim Graham; Dale Knutsen

Subject: 100 ft Def Space Regs

After reviewing the Proposed General Guidelines to implement the Performance Based Defensible Space Regulations, I think the confusing part is the graphic of tree stocking on page 8.

I'd recommend looking at the attached paper PNW GTR-463, as I believe it has better examples pre & post stand conditions, and the situations we are trying to convey to the public.

Jerry Hurley
 PC FSC Coordinator

7-1

3921 Dawn Dr
Loomis, CA 95650-9749
October 24, 2005

RECEIVED

OCT 26 2005

BOARD OF FORESTRY

State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

RE: Comments on Proposed Guidelines for Defensible Space,
Including But Not Limited to: PRC4291 and Reg 14 CCR 2291

Thank you for the opportunity to comment on the proposed regulations. Although I support efforts to reduce catastrophic fires, I am opposed to the regulations or mandates as appear to be contained in PRC4291 and 14CCR2291 (which may have originated from SB1369). As a homeowner, I accept the risks of wherever my home is—a floodplain, earthquake fault, non-compliant air pollution area, contaminated ground water zone, fire hazard, etc. The risks should be dealt with (reduced) at the land-use, zoning, and permitting stage, not after the structures have been established.

B-1

Now, to have public agencies prepared to use precious resources to monitor and/or maintain “defensible space” is unrealistic and unacceptable. The scarce public resources should be directed to (a) establishing strict rules and regulations to issue (or NOT) building permits, (b) identifying and requiring fire-proof or fire-resistant building materials, and (c) educating the public regarding fire reduction practices. If the goal of these “defensible space” proposals is indeed to reduce the probability and possibility of catastrophic fires or wildfires, then at the permit level, the first “line of defense” is where the proposals will cause the least disruption and hardship, and will be the most effective.

B-2

Also, please consider the following:

1. To expand the mandate/recommendation from 30 feet to 100 feet should require a thorough review under the California Environmental Quality Act (CEQA) and possibly under NEPA. I am requesting both an Environmental Impact Report (EIR) as well as an EIS. The public should be noticed and encouraged to participate in these regulations/recommendations before any are adopted.

B-3

2. To “clear” 100 feet of space, according to the proposals, would devastate wildlife habitat (both avian and mammalian), cause irreparable watershed damage (run off, pollution, etc.), and create “moonscapes” from which native vegetation may never recover. Please study, investigate and provide realistic, workable alternatives to bring wildlife and other environmental impacts to less than significant.

B-4

3. To suggest: “It does mean arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another” is a disingenuous statement that attempts to make one believe that fire is predictable. For

B-5

structures in the most "fire-vulnerable" locations, fire paths cannot be predicted to the degree of detail this statement suggests. Please create an advisory committee that consists of citizens as well as community leaders to evaluate the fuel loads of their area as well as the degree of risk the community/individual is willing to accept with regard to fire transfer issues.

B-6

4. In addition, as alluded to in the proposal, every landscape is unique; the 100 feet of defensible space is an egregious "one-size-fits-all" unworkable attempt to reduce a risk that will need annual (if not biannual) laborious effort and create unnecessary hardship. Please consider abandoning any measurable defensible space criteria and concentrate on structure defense criteria instead (which should emphasize fire retardant building materials, land use, zoning, etc).

B-7

5. The statement "Fuel reduction through vegetation management is the key fundamental to creating defensible space" is not necessarily true. It is only one component. The key is in the type of building materials. I believe this has been proven repeatedly in wildfires in southern California. Please change the focus from "defensible" to "fire-reducing practices" including a mandate to require the use of fire-retardant materials.

B-8

6. Any proposal or recommendation is incomplete unless it addresses public warning and evacuation procedures. These proposals, if adopted as they are stated, could instill a false sense of security and result in great loss of life and property to the public. Please address evacuation procedures, including mandatory pet and animal protection. Please consider mandates that forbid pet or animal abandonment in the event of a catastrophic fire. Please provide "defensible agricultural animal" evacuation procedures to include any type of animal confinement facilities—fencing or structures.

B-9

7. Please consider legislative review and modification of SB1369.

B-10

Thank you for considering my comments.

Cordially,



Marilyn Jasper

Cc California Legislative Analyst Office
CDF
Elected Representatives

9

From: Hoffman, Tom
Sent: Friday, September 30, 2005 8:11 AM
To: Zimny, Chris
Subject: FW: 4291 guideline 9_15_05 no pic.doc
Chris: suggested edits from FEMA rep to the Fire Alliance.

Tom Hoffman

CDF Staff Chief, Fire Prevention & Prefire Management
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-7472 (desk/cell)
(916) 653-8961 (fax)

-----Original Message-----

From: Kucherenko, Angela [mailto:Angela.Kucherenko@dhs.gov]
Sent: Thursday, September 29, 2005 2:44 PM
To: Hoffman, Tom
Subject: RE: 4291 guideline 9_15_05 no pic.doc

Tom,

My suggested edits of the Guidelines. --ak

From: Hoffman, Tom [mailto:Tom.Hoffman@fire.ca.gov]
Sent: Thursday, September 29, 2005 10:38
To: Kucherenko, Angela
Subject: FW: 4291 guideline 9_15_05 no pic.doc

Appreciate the help!

Had to strip out pictures and graphics to make file size manageable.

Tom Hoffman

CDF Staff Chief, Fire Prevention & Prefire Management
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-7472 (desk/cell)
(916) 653-8961 (fax)

General Guidelines to Implement Performance Based Defensible Space Regulations under PRC 4291

**State Board of Forestry and Fire Protection (BOF)
California Department of Forestry and Fire Protection**

Recommended by BOF for 45-Day Notice of Public Hearing on September 15, 2005

No Graphic or Photo version

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A. Purpose of Guidelines

~~The purpose of These guidelines is to describe fuel reduction treatments that will assist property owners to comply result in compliance with Public Resources Code (PRC) 4291(a) and (b), and with regulation 14 CCR 1299, Defensible Space. These guidelines apply to any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and located within a State Responsibility Area. are necessary because of The recent changes to PRC 4291 that expand the defensible space clearance requirement from 30 feet of a structure to 100 feet. Defensible space is the area within the perimeter of a parcel where basic wildfire protection practices are implemented. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures. The focus of These guidelines is on the focus on fuel modification measures,~~

~~TOM, I DON'T KNOW WHAT THE REST OF THIS SENTENCE MEANS IN CONTEXT WITH THE FIRST PART, meaning where vegetation is managed and maintained so that it reduces the spread and intensity of encroaching wildfires or escaping structure fires.~~

~~From a fire standpoint, The vegetation surrounding homes is fuel for a fire. Even the home itself is considered fuel. Research and experience have shown that fuel reduction around a structure increases the probability of a structure surviving a wildfire. Good defensible space allows firefighters to protect and save homes safely without facing unacceptable risk to their lives. Fuel reduction through vegetation management is the key fundamental to creating defensible space.~~

~~Terrain, climate conditions, and vegetation will affect fuel reduction standards (clearing requirements) to create adequate Defensible Space will be very different throughout California. Research and experience indicate that because of the wide variation of terrain, climate conditions, and vegetation characteristics, fire frequency and burn intensity of burning will vary greatly between the North Coast forests and the Southern California forests, between timberland and chaparral because of the differing climates and vegetation characteristics. While great variation in fuel management treatments for Defensible Space are found in used throughout the State, there are some common practices:~~

- ~~• Properties with greater fire hazards will require more clearing. Clearing requirements will be greater for those lands with steeper terrain, larger and denser fuels, fuels that are highly volatile, and in locations subject to frequent fires.~~
- ~~• Creation of Defensible Space through vegetation management usually means reducing the amount of fuel around the home, providing separation between fuels, and or reshaping retained fuels by trimming. Creation of Defensible Space can typically be done by removing fuels; removing low-hanging tree limbs of trees; or reducing the height of the smaller fuels. **Fuel treatment practices that will comply with State Law 4291(b) include removing dead vegetation, pruning lower limbs, and separating fuels from 4 four feet to 40 feet, vertically and horizontally, (depending on conditions), and pruning lower limbs.** TOM, IN FORMAL WRITING NUMBERS TEN AND LOWER ARE TO BE WRITTEN, BUT I UNDERSTAND THE NEED TO EMBED THE NOTION OF THE 4 TO 40, SO...~~
- ~~• In all cases, fuel reduction means arranging the tree, shrubs and other fuels sources in ways that make it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs, or creating a bare ring of earth across the property. It does mean arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another.~~
- ~~• A homeowner's clearing responsibility is limited to 100 feet away from their his or her building or to the property line, which ever is less, and limited to their land. [TOM, THE OBJECT VERBS HAVE TO ALIGN. THUS "A HOMEOWNER IS SINGULAR, AND NEEDS A SINGULAR PRONOUN.~~

OTHERWISE, MAKE THE OBJECT PLURAL TO KEEP THE PLURAL PRONOUN. E.G. HOMEOWNERS' RESPONSIBILITIES FOR CLEARING ARE LIMITED TO 100 FEET AWAY FROM THEIR... Adjacent *property owners* [PLURAL] are not required to clear beyond 100 feet from *their* [PLURAL] structure, but are encouraged to do so to create appropriate defensible space on a community-wide basis. TOM, I DON'T GET THIS SENTENCE. WHAT DOES IT MATTER IF PROPERTY OWNERS ARE ADJACENT OR NOT? IS THE INTENTION HERE TO SAY SOMETHING LIKE: "While individual property owners are not required to clear beyond 100 feet, groups of property owners holding adjacent lands are encouraged to extend clearances beyond the 100 foot requirement in order to create community-wide defensible spaces."?

9-9

- Fuel reduction activities that remove trees may require permits from State or local agencies. For example, trees removed for fuel reduction that are used for commercial purposes require permits from the California Department of Forestry and Fire Protection. Also, many counties and towns require tree removal permits when cutting trees over a specified size.

The methods used to manage fuel can be important in the safe creation of Defensible space. Care should be taken with the use of equipment when creating your defensible space zone. Internal combustion engines must have spark arresters and metal cutting blades should be used with caution to prevent starting fires during periods of high fire danger. A metal blade striking a rock can create a spark and start a fire. This is - a common cause of fires during summertime.

10

Vegetation removal can also cause soil disturbance, soil erosion, regrowth of new vegetation, and introduction of ~~introduce~~ non-native invasive plants. Always keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques such as minimizing use of heavy equipment, avoiding stream or gully crossings, using of mobile equipment during dry conditions, and covering exposed disturbed soil areas will help reduce soil erosion and plant regrowth.

11

B. Definitions:

Defensible space: The area within the perimeter of a parcel where basic wildfire protection practices are implemented. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

12

Fuel: Vegetative material, live or dead, which is combustible during normal summer weather. For the purposes of these guidelines, it does not include fences, decks, woodpiles, trash, etc.

Surface fuels: Loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

13

Aerial fuels: All live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush. Examples include trees and large bushes. TOM, SURFACE FUELS SHOULD BE DEFINED BEFORE IT IS MENTIONED IN THIS DEFINITION.

14

Surface fuels: Loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

Reduced Fuel Zone: The area that extends out from 30 to 100 feet away from the building or structure (or to the property line, whichever is nearer to [FARTHERMOST FROM? GOT CONFUSED HERE.] the structure).

15

Building or structure: Any structure used for support or shelter of any use or occupancy.

C. Fuel Treatment General Guidelines Compliant with 14 CCR 1299 and PRC 4291:

The following fuel treatment guidelines comply with the requirements of 14 CCR 1299 and PRC 4291. ~~All persons choosing the use of using these guidelines to obtain compliance~~ comply with CCR 1299 and PRC 4291 shall implement General Guidelines 1., 2., 3. and either 4a or 4b. as described below. 16

General Guidelines:

1. Maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth within 30 feet of each building or structure, with certain exceptions pursuant to PRC §4291(a).
2. Dead and dying woody surface fuels and aerial fuels within Reduced Fuel Zone shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches in height. This guideline is primarily intended to eliminate trees, bushes, shrubs and surface debris that are completely dead or with substantial amounts of dead branches or leaves/needles that would readily burn.
3. Down logs or stumps, when embedded in the soil, may be retained when isolated from other vegetation.
4. Within the Reduced Fuel Zone, one of the following fuel treatments (4a. or 4b.) shall be implemented. Properties with greater fire hazards will require greater clearing treatments. Combinations of the methods may be acceptable under §1299(c) as long as the intent of these guidelines is met.

4a. Reduced Fuel Zone: Fuel Separation Between Fuels

~~In conjunction with General Guidelines 1., 2., and 3., above, When using this guideline to obtain compliance with CCR 1299 and PRC 4291, within the Reduced Fuel Zone surrounding each structure, minimum clearance between fuels surrounding each structure will range from 4 feet to 40 feet in all directions, both. Clearance should be in both the horizontally and vertically directions.~~ 17 18

~~The Clearance distances between vegetation will depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content, etc. Properties with greater fire hazards will require greater clearing between fuels. For example, if your property is on steeper slopes or has having larger large-sized vegetation, will this justifies require greater spacing between individual trees and bushes (see Plant Spacing Guidelines and Case Examples below).~~ 19 20

~~Grass generally should not exceed 4 inches in height. However, property owners may keep grass and other forbs, may be maintained less than 18 inches in height above the ground when these grasses are isolated from other fuels or where necessary to stabilize the soil and prevent erosion.~~ 20

Clearance requirements include:

- Horizontal clearance between aerial fuels, such as the outside edge of the tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.

Horizontal clearance between aerial fuels

- Vertical clearance between lower limbs of aerial fuels, and the nearest surface fuels and grass/weeds. Vertical clearance removes "ladder fuels" and helps prevent a fire from moving from the *smaller* [SHORTER/TALLER OR SMALLER /LARGER] fuels to the *taller* fuels.

21

Vertical clearance between aerial fuels

Effective Vertical Separation between Fuels

Plant Spacing Guidelines

Guidelines are designed to break the continuity of fuels and be used as a "rule of thumb" for achieving compliance with Regulation 14 CCR 1299.

Trees	Minimum horizontal Space from edge of one tree canopy to the edge of the next	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 40%	20 feet
	Greater than 40%	30 feet
Shrubs	Minimum horizontal space between edges of shrub	
	Slope	Spacing
	0% to 20 %	2 times the height of the shrub
	20% to 40%	4 times the height of the shrub
	Greater than 40%	6 times the height of the shrub
Vertical Space	Minimum vertical space between top of shrub and bottom of lower tree branches: 3 times the height of the shrub	

Case Example of Separation Between Fuels: Sierra Nevada conifer forests

Sierra Nevada mixed-Conifer forests are intermixed with rural housing and presents a hazardous fire situation. THE CAPTION TITLE MENTIONS THE SIERRA NEVADA, SO NO NEED TO PUT THE WORDS HERE AS WELL. The combination of Dense vegetation, elevation, s with long fire seasons, and ample ignition sources combined with related-to-human access and lighting, makes this home vulnerable to results in homes with high risk of wildfires damage. -This home is located example includes on a gentle slopes (less than 20%), and is surrounded by a large mature tree overstory and intermixed small to medium size brush (three to four feet in height).

Application of the guideline under 4a. would likely result in horizontal spacing between large trees of 10 feet; removal of many of the smaller trees to create vertical space between large trees and smaller trees and horizontal spacing between brush of six to eight feet (calculated by using 2 times the height of brush)

Case Example of Separation Between Among Fuels: South Coast chaparral

Mature, dense and continuous chaparral brush fields on steep slopes found in many counties in southern Southern California represents one of the most hazardous fuel situations in the United States. Chaparral tends to grow in an unbroken sea of dense vegetation that creates creating a fuel-rich path through which the spreads fire can rapidly spread. Chaparral shrubs burn very hot and produce tall flames. From the flames come burning embers which can ignite homes and plants. (Gilmer, 1994). All These factors results in settings where aggressive defensible space clearing requirements are necessary.

23

Given a setting of Steep slopes (greater than 40%) and tall, old brush (greater than 7 feet tall), need significant modification is necessary to create adequate defensible space. These settings require aggressive clearing to create defensible space, and would require maximum spacing. Application of the guidelines would result in the maximum spacing

Case Example of Separation Between Among Fuels: Oak Woodlands

Oak woodlands, the combination of oak trees and other hardwood tree species with a continuous grass ground cover, are found on over more than 10 million acres in California. Wildfire in these setting is very common, with fire behavior dominated by rapid spread through burning grass.

24

Given a setting of moderate slopes (between 20% and 40%), wide spacing between trees, and continuous dense grass, treatment of the grass is the primary fuel reduction concern. Property owners using Application of these guideline would result in cutting grass to a maximum 4 inches in height, and removing remove the clippings, and with consideration of creating 20 feet spacing between trees.

4b. Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy

A vegetation removal option is available for those wanting to retain a continuous stand of larger trees with no space between tree canopies while creating defensible space. For this guideline, within the Reduced Fuel Zone, spacing between aerial fuels is not required, such as in a stand of larger trees. In this situation:

- remove all surface fuels greater than 4 inches in height;
- remove lower limbs of trees ("prune") to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees). Properties with greater fire hazards, such as steeper slopes or more severe fire danger, will require pruning heights in the upper end of this range.

ADD A RESOURCES SECTION: CFALLIANCE, CDF WEB SITE, ETC.

25 *

Defensible Space retaining continuous trees

Defensible Space with continuous tree canopy by clearing understory and pruning

Photo Courtesy Plumas Fire Safe Council.

Authority cited: Section 4102, 4291, 4125-4128.5, Public Resource Code. Reference: 4291, Public Resource Code; 14 CCR 1299 (d).

October 24, 2005

State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Subject: Proposed Defensible Space Regulations § 1299 and General Guidelines to
Implement Performance Based Defensible Space Regulations under PRC 4291.

I am commenting on the proposed regulations and guidelines that you issued on September 15, 2005. I am a homeowner in Big Trees Village (BTV) Subdivision located at 5000 foot elevation in the Sierra Nevada at Dornington, CA. I am also an Officer and Director of the BTV Property Owners Association and the Calaveras Foothill Fire Safe Council. I have inspected property in BTV as a VIP and provided Defensible Space to low income seniors and disabled people throughout Calaveras County via federal grants.

The following comments are based on my experience in Calaveras County and as a homeowner who has met your 30 foot requirement for 10 years and will be required to meet your proposed regulations and guidelines when they are finalized.

General Comments:

1. The cost to homeowners will exceed the benefits and are beyond the means of most homeowners. The Board of Forestry should consider the fiscal impact on agencies and homeowners.
2. There are not sufficiently qualified professionals (foresters and logging operators) available to implement the proposed regulations.
3. The proposed regulations and guidelines are open to interpretation by the inspecting official and the enforcement officer of the CDF. They are unenforceable.
4. Inspection and Enforcement Officials cannot determine property boundaries.
5. The VIP Program will lose volunteers. CDF has insufficient resources to inspect and enforce the proposed performance based regulations.

Specific Comments:

1. § 1299 (a)(2): The 30 to 100 zone cannot be defined. Neither can the property ownership or the boundaries.
2. § 1299 (b) and (c): The fire inspection official of the authority having jurisdiction does not normally have the legal right to enter private property and inspect it.

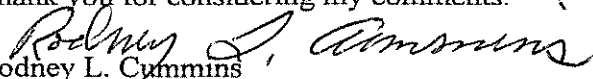
RECEIVED BY

OCT 31 2005

BOARD OF FORESTRY
AND FIRE PROTECTION

3. § 1299 (b) and (c): The guidelines and the regulations are open to the interpretation of and the subjective judgment of the fire inspection official of the authority having jurisdiction.
4. § 1299 (d): There are no specific procedures or performance-based standards in the guidelines.
5. General Guidelines § A, paragraph 3. This paragraph correctly states that every property in California is different. The bullets do not list common practices.
6. General Guidelines § A, paragraph 3, 2nd bullet. The 4 to 40 feet separation in all directions is impossible and impractical for existing homes in the Northern Sierra to meet.
7. General Guidelines § A, paragraph 3, 4th bullet. Some property owners own the adjacent lot as a buffer to development. The guidelines are not clear if they would have to clear to 100 feet, across the property line if they owned the adjacent property.
8. General Guidelines § A. Issues such as erosion and clearances on banks; County or Homeowner Association ownership of the easement strips along roads that are within the 100 foot zone; and adjacent vacant lots within the 100 foot zone that are not covered by these proposed regulations .
9. General Guidelines § C(4a). The 4 to 40 feet horizontal separation of 4 feet to 40 feet between crowns will require substantial financial resources and the cutting of many trees. The vertical clearance of 4 to 40 feet may be attainable between groups of trees.
10. Case Example of Separation between Fuels. Add a paragraph on the application of 4b. How does this case example address mature trees on residential lots within subdivisions?
11. General Guidelines § C(4b). Removal of all surface fuels greater than 4 inches in height is impractical and will subject the ground to surface runoff, sheet flow and erosion.
12. General Guidelines § C(4b). A third bullet should be added to allow for grouping of trees and spacing between canopies of the groups.

Thank you for considering my comments.


Rodney L. Cummins
P.O. Box 4947
Camp Connell, CA 95223-4947

L 11

Nick Jedenoff
P O Box 1784
Cedar Ridge, CA 95924-1784

RECEIVED
OCT 26 2005
BOARD OF FORESTRY

October 25, 2005

ATTN: MR. George Gentry
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

FAX: 916-653-0989

SUBJECT: oppose 100 foot clearing radius in rules related to SB 1369

RE: Comments on Proposed Guidelines for Defensible Space,
Including But Not Limited to: PRC4291 and Reg 14 CCR 2291

Thank you for the opportunity to comment on the proposed regulations. I support efforts to reduce catastrophic fires. Although I live on a 9.9 acre parcel in a high fire danger area, I am opposed to the regulations or mandates as appear to be contained in PRC4291 and 14CCR2291 (which may have originated in SB1369).

As a homeowner, I accept the risks of wherever my home is—a floodplain, earthquake fault, non-compliant air pollution area, contaminated ground water zone, fire hazard, etc. The risks should be dealt with (reduced) at the land-use, zoning, and permitting stage, not after the structures have been established.

To have public agencies prepared to use precious resources to monitor and/or maintain "defensible space" is unrealistic and unacceptable. The scarce public resources should be directed to

- (a) establishing strict rules and regulations to issue or not issue building permits,
- (b) identifying and requiring fire-proof or fire-resistant building materials, and
- (b) educating the public regarding fire reduction practices.

If the goal of these "defensible space" proposals is indeed to reduce the probability and possibility of catastrophic fires or wildfires, then at the permit level, the first "line of defense" is where the proposals will cause the least disruption and hardship, and will be the most effective.

Additionally,

1. To expand the mandate/recommendation from 30 feet to 100 feet should require a thorough review under the California Environmental Quality Act (CEQA) and possibly under NEPA. The public should be noticed and encouraged to participate in these regulations/recommendations before any are adopted.
2. To "clear" 100 feet of space, according to the proposals, would devastate wildlife habitat (both avian and mammalian), cause irreparable watershed damage (run off, pollution, etc.), and create "moonscapes" from which native vegetation may never recover. Before your agency

attempts to implement such a rule, it must study, investigate and provide realistic, workable alternatives to bring wildlife and other environmental impacts to less than significant.

3. To suggest: "It does mean arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another" is a disingenuous statement that attempts to make one believe that fire is predictable. For structures in the most "fire-vulnerable" locations, fire paths cannot be predicted to the degree of detail this statement suggests. Your agency should foster creation of advisory committees that consist of citizens as well as community leaders to evaluate the fuel loads of their area as well as the degree of risk the community and individuals are willing to accept with regard to wildfire.

4. Every landscape is unique; the 100 feet of defensible space is an egregious "one-size-fits-all" attempt to reduce a risk that will need annual (if not biannual) maintenance, and thus create unnecessary hardship. Please consider abandoning any measurable defensible space criteria and concentrate on structure defense criteria instead.

5. The proposed rule's statement "Fuel reduction through vegetation management is the key fundamental to creating defensible space" is not necessarily true. It is only one component. Another fundamentally important approach is to require more fire-resistant building materials. This has been proven repeatedly in wildfires in southern California. Change the focus from "defensible" to "fire-reducing practices", and include a mandate to require the use of fire-retardant materials.

6. Any proposal or recommendation is incomplete unless it addresses public warning and evacuation procedures. These defensible clearing proposals, if adopted as they are stated, could instill a false sense of security and result in great loss of life and property to the public. Before your agency attempts to implement such a rule, it must address evacuation procedures.

7. Please consider legislative review and modification of SB1369.

Thank you for considering my comments.

Sincerely,

Nick Jedenoff

L12

October 25, 2005
ATTN MR. GEORGE GENTRY
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
916-653-0989

RE: Comments on Proposed Guidelines for Defensible Space,
Including But Not Limited to: PRC4291 and Reg 14 CCR 2291

Thank you for the opportunity to comment on the proposed regulations. Although I support efforts to reduce catastrophic fires, I am opposed to the regulations or mandates as appear to be contained in PRC4291 and 14CCR2291 (which may have originated in SB1369). As a homeowner, I accept the risks of wherever my home is—a floodplain, earthquake fault, non-compliant air pollution area, contaminated ground water zone, fire hazard, etc. The risks should be dealt with (reduced) at the land-use, zoning, and permitting stage, not after the structures have been established.

Now, to have public agencies prepared to use precious resources to monitor and/or maintain "defensible space" is unrealistic and unacceptable. The scarce public resources should be directed to (a) establishing strict rules and regulations to issue (or NOT) building permits, (b) identifying and requiring fire-proof or fire-resistant building materials, and (c) educating the public regarding fire reduction practices. If the goal of these "defensible space" proposals is indeed to reduce the probability and possibility of catastrophic fires or wildfires, then at the permit level, the first "line of defense" is where the proposals will cause the least disruption and hardship, and will be the most effective.

Also, please consider the following:

1. To expand the mandate/recommendation from 30 feet to 100 feet should require a thorough review under the California Environmental Quality Act (CEQA) and possibly under NEPA. I am requesting both an Environmental Impact Report (EIR) as well as an EIS. The public should be noticed and encouraged to participate in these regulations/recommendations before any are adopted.
2. To "clear" 100 feet of space, according to the proposals, would devastate wildlife habitat (both avian and mammalian), cause irreparable watershed damage (run off, pollution, etc.), and create "moonscapes" from which native vegetation may never recover. Please study, investigate and provide realistic, workable alternatives to bring wildlife and other environmental impacts to less than significant.
3. To suggest: "It does mean arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another" is a disingenuous statement that attempts to make one believe that fire is predictable. For structures in the most "fire-vulnerable" locations, fire paths cannot be predicted to the degree of detail this statement suggests. Please create an advisory committee that consists of citizens as well as community leaders to evaluate the fuel loads of their area as well as the degree of risk the community/individual is willing to accept with regard to fire transfer issues.
4. In addition, as alluded to in the proposal, every landscape is unique; the 100 feet of defensible space is an egregious "one-size-fits-all" unworkable attempt to reduce a risk that will need annual (if not biannual) laborious effort and create unnecessary hardship. Please consider abandoning any measurable defensible space criteria and concentrate on structure defense criteria instead.
5. The statement "Fuel reduction through vegetation management is the key fundamental to creating defensible space" is not necessarily true. It is only one component. The key is in the

type of building materials. I believe this has been proven repeatedly in wildfires in southern California. Please change the focus from "defensible" to "fire-reducing practices" including a mandate to require the use of fire-retardant materials.

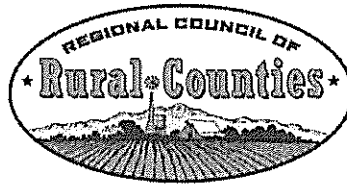
6. Any proposal or recommendation is incomplete unless it addresses public warning and evacuation procedures. These proposals, if adopted as they are stated, could instill a false sense of security and result in great loss of life and property to the public. Please address evacuation procedures, including mandatory pet and animal protection. Please consider mandates that forbid pet or animal abandonment in the event of a catastrophic fire. Please provide "defensible agricultural animal" evacuation procedures to include any type of animal confinement facilities—fencing or structures.

7. Please consider legislative review and modification of SB1369.

Thank you for considering my comments.

Cordially,

Jeff Kane MD
14933 Pathan Pl.
Nevada City CA 95959



CHAIR – CHARLIE WILLARD, TEHAMA COUNTY
FIRST VICE CHAIR – RICHARD FORSTER, AMADOR COUNTY
SECOND VICE CHAIR – SUE HORNE, NEVADA COUNTY
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VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

L13

October 25, 2005

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Chairman Dixon and Members:

The Regional Council of Rural Counties (RCRC) applauds the efforts of the Board to adopt regulations that provide efficiency and flexibility in implementing defensible space requirements within 100 feet of structures. We also appreciate the enactment of Senate Bill 502, which clarifies that in both the first 30 feet and the 30 to 100 foot zone, the phrase "all flammable vegetation or other combustible growth" does not include "single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure". In our view, the flexible intent provided in SB 502 appears to be captured in the regulations proposed for the 30-100 foot zone but not in the regulations proposed for the first 30 feet.

13-1

The regulations clearly define two zone with different fuels treatments. The law, however, provides equivalent treatment of flammable vegetation and combustible growth within 30 feet and from 30 feet to 100 feet from a structure, except that vegetation less than 18 inches in height need not be removed between 30 feet and 100 feet from a structure where necessary to stabilize the soil. We discourage the board from creating two regulatory zones where the law does not discriminate between the two. Instead, we recommend the regulations adopt a single standard for fuels treatment within 100 feet of a structure and note that beyond 30 feet, vegetation less than 18 inches in height need not be removed where necessary to stabilize the soil.

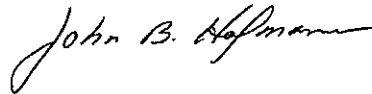
13-2

Our comments for combining the two zones apply to the guidelines as well. We believe the proposed guidelines for the Reduced Fuel Zone (30 to 100 feet), with some modification, should apply throughout the 100 feet. Two standards are proposed in the guidelines for the Reduced Fuel Zone; one for open canopy and one for closed canopy. We suggested instead, a standard for well-pruned vegetation and one that is not, for greater consistency with the law. If it is necessary to include the direction to remove "all flammable vegetation", we believe it is important to include the exemptions as specified in SB 502, not merely allude to "certain exceptions".

13-3

We appreciate the opportunity to comment on the proposed regulations and guidelines for defensible space. We look forward to working with the Board to provide clear direction for land owners.

Sincerely,

A handwritten signature in black ink, reading "John B. Hofmann". The signature is written in a cursive style with a long, sweeping underline.

John B. Hofmann
Director, Natural Resources

214

October 26, 2005
FAXED and HARD COPY SENT

FAX to: 916-653-0989

ATTN: MR. George Gentry
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
916-653-0989

SUBJECT: Oppose 100 foot clearing radius in rules related to SB 1369

RE: Comments on Proposed Guidelines for Defensible Space,
Including But Not Limited to: PRC4291 and Reg 14 CCR 2291

This letter is written in opposition of new clearing requirements under the new state law (SB 1369).

While the idea of some clearing and trimming around structures to minimize fire risk is a reasonable one, I oppose this rule and I also oppose the state law that was passed very quickly and with little to no public involvement. The state law itself is an unbelievable infringement on private property rights, gives overreaching power to insurance companies, and CDF. My overall perspective is CDF is gaining far too much power over private property and the future of our ecosystems--the important functions of which have already been nearly destroyed. CDF seems to operate in complete ignorance of constitutional law, basic ecological principles, and a myopic and deceptive perspective that all we need to do is wack down some shrubs and everything will be fine. The agency suffers from serious reality problems.

14-1

-14-2

The State Law was passed with no public input and no CEQA or NEPA process which is a violation of state law. These proposed guidelines should be reviewed under CEQA and NEPA and their environmental impacts fully analyzed. "Brush-clearing" will have serious impacts on our remaining biodiversity including state and federally protected species.

14-3

The agency needs to return to its original mission which is fire-fighting and fire prevention that does not infringe on private property rights nor so drastically affect our remaining biodiversity. CDF is also now putting the landowner under substantial risk of violating important environmental protections either on the county, state, or federal level. Who will be liable if, in the course of meeting CDF clearing requirements, a landowner removes a protected species or devastates a riparian area?

14-4

This past summer, I published a column in the local newspaper about brush clearing. This was when the CFIP program was being implemented and I was watching as a frenzy of clearing took place, much of it damaging. I documented this damage with photographs which included total wash-outs of creeks and drainages from being stripped of vegetation (and why in the hell are we clearing riparian areas folks? Water? They have something in them called WATER??). Many property owners were jumping on the clearing bandwagon not so much because of the fire danger but because of the reimbursements which were up to 90%. Nearly every one I talked to told me this. 14-5

The result of my column was a flood of phone calls from property owners who wanted me to come out and look at their land. What I did not know at the time is they wanted me to review recommendations that CDF had made for clearing their land. They were worried that some of the things CDF was recommending were: harmful to the environment (such as the massive spraying of pesticides and Round-Up has been shown to kill amphibians on contact), illegal, in violation of environmental laws, may degrade their property values and esthetics, or are just unduly destructive. I had no intention of becoming the "truth commission" for CDF but this is how it panned-out. Indeed, I found that many of the recommendations made by CDF were some or all of the above. In one case with a property owner in the area of Bridgeport State Park, they were told to completely clear a very steep bank along the main road in the valley. The CDF personnel told this landowner that the bank could catch fire if someone throws a cigarette out the window (which in this case, was ridiculous. Also, if CDF is so concerned about this, they should advocate for passage of tough law that places liability for a fire on the person who tosses a cigarette out the window and it then starts a fire, such as a Civil Responsibility Act). The roadbank was basically vertical and above a creek. It was vegetated with willows and alder. These are NOT fire prone plants. If the landowner had cleared this area, not only would it have potentially caused the whole slope to collapse into the creek, they would have been clearing county land because the road easement is owned by the county. They would have been hit with multiple violations for water quality (State 401 program, Fed 404 program, and county regulations). It was as if the CDF person had absolutely no idea what the plants were, no regard for any regulations, and NO idea about flammability. It was truly total incompetence. What was most telling about this is to the property owner's credit, they did not trust the information they were getting from CDF and they wanted to double check it. Thank God. 14-6 14-7

In effect, I became an unpaid volunteer advisor on fire clearing which I had NO intention of doing. When I turned for help from my own county (Nevada), because they employ 0 botanists, biologists and ecologists, they were not able to help. It was exhausting. If you think I am resentful of this, I am. YOU ARE NOT DOING YOUR JOB and what became obvious is CDF does not have the expertise or departmental will to do this correctly and the result could be tremendous damage and questionable effectiveness of the clearing. The whole program should be suspended until something based on sound ecological principles (including factoring in knowledge about individual plant species) can be designed. 8

The General Guideline document is disingenuous because the law allows the state (CDF) to place a lien on a person's home and gives tremendous power to insurance companies and to call this proposed rule "guidelines" is to totally deceive the public. These are not "guidelines" when they implement a law as powerful as the one passed on January 1 2005. If these are an attempt to 'smokescreen' the law, then this is clear deception of the public. If CDF does not like the law or is disturbed by it, then new legislation or amendments to this law must be proposed and passed, not the issuing of "guidelines" which give a totally different impression of the actual law.

The clearing standards are incredibly burdensome to the public and ridiculous. A full analysis of the burden this places on the public, including a full economic analysis, must be done before any standards are passed. Does CDF really think a public already overwhelmed with just living from day to day will truly be able to do the following?

- separating fuels from 4 to 40 feet
- pruning all lower limbs
- making sure "loose surface litter normally consisting of fallen leaves or needles, twigs, bark, cones and small branches" is no higher than 3 inches in height
- keeping track of every "downed log and stump"
- clearance in both "horizontal and vertical directions"
- making sure grass does not exceed 4 inches in height or maintained at levels less than 18 inches in height
- meeting the incredibly confusing and complex "plant spacing guidelines"
- removing all surface fuels greater than 4 inches in height
- removing lower limbs of tree to at least 6 feet to 15 feet (or the lower 1/3 of branches for small trees)

and it goes on and on.

DO YOU PEOPLE LIVE IN THE REAL WORLD OR WHAT?

In an effort to meet these ridiculous "guidelines", landowners may be tempted to just clear everything. Wipe everything out. Good job! Maybe CDF can hand out little mini-napalm kits too! Perhaps a grant program with asphalt companies is in order?

Our county is currently in the process of writing its own Fire Plan and their intention is to make it mandatory. Many counties are doing the same. How many layers of bureaucracy will the property owner now have to go through JUST TO LIVE ON THEIR LAND OR

OWN LAND? CDF is totally ignoring this fact as well. This will place another incredible burden on the public. These multiple levels of "fire plans" are such a total and absolute infringement on private property rights and the rights of property owners to use their property, it is mind-boggling. "Fire safety" gone mad.

13

These requirements may also require the reliance on herbicides which poison our watersheds. Current research on Round-Up from the University of Pennsylvania shows amphibians are killed on-contact by Round-Up. This poison also runs-off into watersheds. Nevada County decided to broadcast spray the whole county last spring during the rainy season.

14-14

The "guidelines" also have absolutely no consideration for the value of these plants as part of an ecosystem that provides *ecosystem services* to keep us alive. It is the state-wide whole scale extirpation of a one whole ecosystem type--chaparral, including all the fauna species that evolved within this ecosystem. Why CDF can get away with advocating this is beyond me! The idea that it is making us fire safe is a ruse. *Ceanothus*, our native wild lilac, which will be cleared-out, is a nitrogen fixer and builds the soil. We have low nitrogen soils. Manzanita is not even all that fire prone (based on research by the U.S. Forest Service) and holds hillsides and slopes and is important to wildlife. The shrubby oaks are the keystone species to a whole ecosystem. Remove them and you wipe everything else out.

14-15

My observations have also shown that after areas are cleared, we get a proliferation of non-native weeds which are just waiting for a chance to colonize new areas. We are looking at the possible permanent type conversion of chaparral to weed patches. Scotch Broom is also invading these areas and guess what guys? IT'S VERY FIRE PRONE. Mountain misery is another one that invades with clearing and it is also VERY FIRE PRONE. So, you see, the "one size fits all" recipe you are outlining can also make areas MORE fire prone and degrade biodiversity. *This job should not be in the hands of an agency so ill-qualified to do it.*

14-16

In 2003, my home burned down in the SoCal fires. I lost everything. Even though I had done some clearing, my house caught fire from flying embers. I had a new composition shingle roof that melted like molasses and caused the whole house to collapse. The emphasis on vegetation removal by CDF is an abrogation of the agency's duties because we all know, without an integrated approach; "fire safety prevention" can be a waste of time and money. CDF should be actively advocating and even providing grant money for retrofitting asphalt shingle roofs with metal and cement shingle roofs. CDF should be providing information on fire safe building materials. CDF should be helping property owners who live on one way access roads to install esthetically sensitive gravity fed water tanks along these roads. Of the 16 deaths in San Diego County during the fires, nearly all were people trying to escape the fire on one-way roads! They were killed in their cars as they were trying to drive out and the flames surrounded them. What would a system of 50-100 gallon water tanks along these roads have meant to the lives of these people? CDF should be educating the public on the VALUE of protecting our watersheds and biodiversity rather than constantly *demonizing* it. Finally, CDF should also be

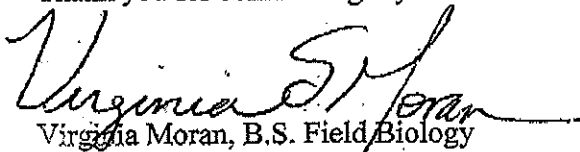
14-17

making the point that we have to accept responsibility for living in fire-prone areas! We cannot mitigate every risk! It is impossible.

This is a loaded topic and everyone seems to have a take on it but all agree that CDF is gaining too much power as an agency and too much power over private property. One take also is that CDF is encouraging the destruction of native habitats to facilitate quicker development. If you "brush clear" away sensitive species, they cannot be found during biological surveys and this may expedite development. The fact that CDF has not come out against permitting of homes in high-fire prone areas and against the relaxing of steep slope ordinances is more than telling of the agency's hypocrisy. Nevada County just relaxed its steep slope building restrictions. Utter hypocrisy.

In closing, the law cannot be constitutional and this should be questioned in the courts. The "guidelines" for which you seek comments are unacceptable and should be rejected and IF CDF really cares about fire safety, the whole process should be based on strong and legitimate public input, sound ecological principles, an integrated approach integrating fire-safe building materials into housing, helping people find a way to FIGHT the fire by installing water tanks along one-way egresses, and fighting to reduce the permitting of new homes in fire prone areas. THIS approach would deal with the problem. CDF's current approach DOES NOT.

Thank you for considering my comments.


Virginia Moran, B.S. Field Biology
M.S. Plant Ecology
Citizens for Fire Safety Sanity
POB 2858
Grass Valley, CA 95945
530-272-7123

cc: Nevada County Board of Supervisors
State Legislative Analyst Office, Attn: Jennifer Giambattista